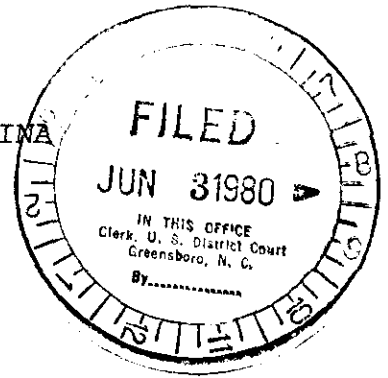


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 1

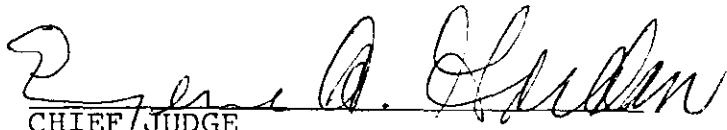


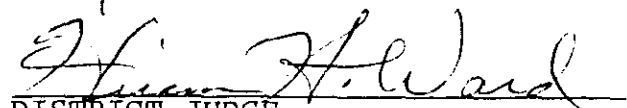
For good cause appearing to the court,

IT IS ORDERED THAT:

1. A standing Order is one so designated and approved by all or a majority of the judges of this court.
2. Normally, Standing Orders will be applicable to situations which are likely to re-occur, define court policy or relate to this Court's administrative procedures (as distinguished from orders applicable in a particular case), but not of sufficient interest or concern to the bar and general public as to warrant inclusion in the Local Rules of Practice and Procedure of this Court.
3. Standing Orders are public documents.
4. The clerk will file them in a manner suitable for convenient reference, and disseminate copies of all such orders to all judicial officers in this district, the Chief Probation Officer, United States Attorney and United States Marshal.

This the 2nd day of June, 1980.

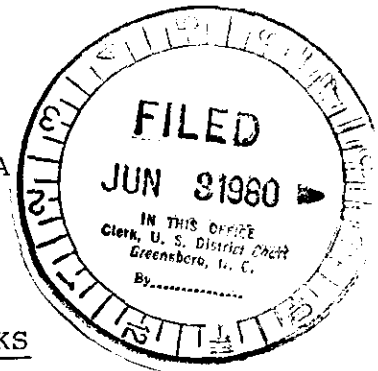

CHIEF JUDGE


DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 2

USE OF LAW STUDENTS AS PART-TIME LAW CLERKS




For good cause appearing to the Court,

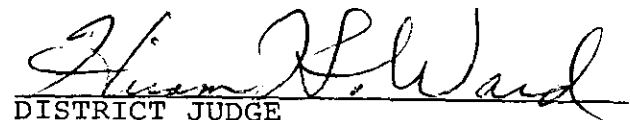
IT IS ORDERED that:

1. An eligible law student may, with the approval of his or her law school dean or a member of the law school faculty and of a judge of this court, serve as a part-time law clerk to that judge.
2. In order to serve, the law student must:
 - (a) Be duly enrolled in a law school approved by the American Bar Association.
 - (b) Have completed legal studies amounting to at least four semesters or the equivalent.
 - (c) Be enrolled in a course or program at his or her law school offering academic credit for serving as a part-time law clerk to a judge.
 - (d) Be certified by the dean or a faculty member of his or her law school as being of good character and competent legal ability. This certification may be withdrawn by the certifier at any time by mailing a notice to the judge supervising the student. Termination of certification by the certifier shall not reflect on a student's character or ability unless otherwise specified. A copy of such certification and decertification shall be filed with the Clerk of the Court.
 - (e) Not ask for nor receive compensation of any kind from the court or anyone in connection with serving as a part-time law clerk to a judge.
 - (f) Certify in writing, which certification shall be filed with the Clerk of the Court, that he or she has read and is
 - (1) familiar and will comply with the Code of Professional Responsibility, and relevant provisions of the Code of Judicial Conduct for the United States Judges, and
 - (2) will not reveal any information or make any comments at any time, except to court personnel as specifically permitted by the judge to whom he or she is assigned, concerning any proceeding pending or impending in this court while he or she is serving as a part-time law clerk, or subsequent thereto.

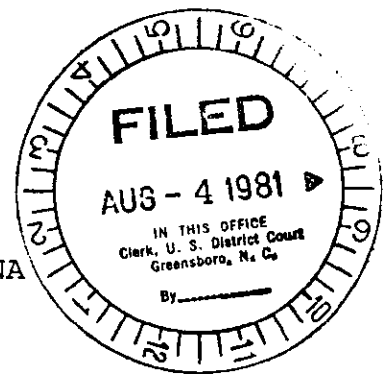
3. A judge supervising a part-time law clerk may terminate or limit the clerk's duties at any time without notice or hearing and without showing of cause. Such termination or limitation shall not be considered a reflection on the character or ability of the part-time clerk.

This the 2nd day of June, 1980.


CHIEF JUDGE


DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 3

IMPLEMENTING PLAN FOR FURNISHING REPRESENTATION
AND SERVICES PURSUANT TO THE CRIMINAL JUSTICE

ACT OF 1964

For good cause appearing to the Court,

IT IS ORDERED that:

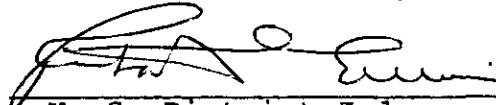
1. Section V.(C) (entitled "Records") of this Court's Plan For Furnishing Representation and Services Pursuant to the Criminal Justice Act of 1964, which was approved May 20, 1981, shall not be construed to make public any document or record which relates to an ex parte proceeding for services other than counsel, made pursuant to 18 U.S.C. § 3006A (e)(1). All such records relating to ex parte proceedings under this section are to be maintained by the Clerk under seal, unless otherwise ordered by the Court.
2. An Advisory Committee composed of the present members of the District and Division Committees is established pursuant to Section IV.(C)(1). The Chairman of the former District Committee will be chairman of the Advisory Committee.
3. The Clerk will refer the names of attorneys being considered for membership on the panel to the Advisory Committee and request an opinion concerning their competence and qualifications to represent defendants entitled to appointed counsel under the Criminal Justice Act.
4. The Clerk will notify attorneys having offices in this district who have been admitted to practice in this Court since the last panel was approved, of the existence of this plan and afford them an opportunity to apply for membership on the panel. The same information and opportunity will be afforded such attorneys hereafter admitted to practice in this Court.
5. The panel of attorneys to be created pursuant to this Plan shall consist of not more than sixty attorneys, representing as nearly as practicable all counties within the district.

6. Members of this panel shall serve terms of four years and shall be eligible for reappointment at the discretion of the Court.
7. The attached panel of attorneys recommended by the Magistrates for service during the first term under this plan, ending June 30, 1985, is approved.

This the 4th day of August, 1981.


Chief Judge, U. S. District Court

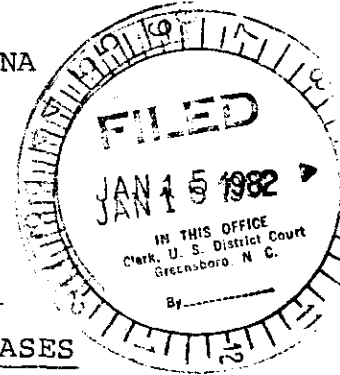

U. S. District Judge


U. S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 4

DISPOSITION OF PROPERTY IN THE CUSTODY
OF LAW ENFORCEMENT OFFICERS IN CRIMINAL CASES



For good cause appearing to the Court,
IT IS ORDERED that:

In all criminal cases in which a court order is necessary for the disposition of property being held in the custody of a law enforcement agency or the United States Marshal, the pertinent facts and the United States Attorney's recommendation shall be brought to the attention of the court at the time of sentencing while the defendant is still before the court.

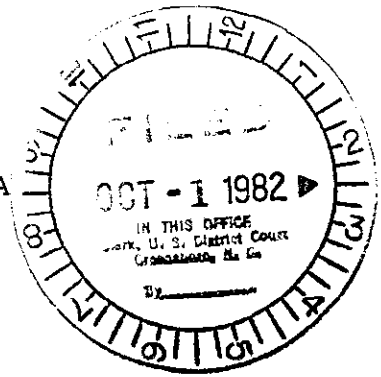
This the 15th day of January, 1982.


Chief Judge, U. S. District Court


U. S. District Judge


U. S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 5

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

Pursuant to an Order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court,

IT IS ORDERED THAT:

(a) Emergency Resolution

The purpose of this rule is to convey to the bankruptcy judges of this district authority to act in bankruptcy cases and proceedings until the Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line, Co., ____ U.S. ____, 102 S.Ct. 2858 (1982), or until March 31, 1984, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of the Bankruptcy Reform Act of 1978; (2) the clear intent of the Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, pursuant to 11 U.S.C. sec. 105, sections 404 and 405 of the Bankruptcy Act of 1978, Rules 53 and 83 of the Federal Rules of Civil Procedure, and Rules 513 and 927 of the Bankruptcy Rules, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(c) Powers of Bankruptcy Judges and District Court Review

(1) The bankruptcy judges may perform in referred bankruptcy matters all acts and duties necessary for the handling of those matters and may conduct all proceedings except:

- (A) a proceeding to enjoin a court;
- (B) a proceeding to punish a criminal contempt;
- (C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or
- (D) jury trials.

(2) Except as provided in (3), the orders and judgments of bankruptcy judges shall be effective upon entry by the clerk, unless stayed by the bankruptcy judge or the district court.

(3) In civil proceedings related to cases under Title 11 but not arising in or under Title 11, or wherever otherwise constitutionally required, judgments as defined in Rule 54(a) of the Federal Rules of Civil Procedure that would be appealable if rendered by a district judge and that do not result from a stipulation among the parties, shall not be effective and shall not be entered until the judgment has

been signed by a district judge. In such proceedings, the bankruptcy judge shall submit findings, conclusions, and a proposed judgment to the district judge.

(4) Objections to an order or judgment entered under paragraph (2), or a proposed judgment lodged under paragraph (3) must be filed within 10 days after entry or lodgment thereof by the clerk. The time for filing objections may, for cause, be shortened by the bankruptcy judge or the district court.

(5) (A) A district judge shall review:

- (i) an order or judgment entered under paragraph (2) if a timely objection has been filed;
- (ii) an order or judgment entered under paragraph (2) if the bankruptcy judge certified that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any objection was filed; and
- (iii) a proposed judgment lodged under paragraph (3), whether or not any objection has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as he deems appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

(6) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (5), the district judge shall review the matter and enter an order or judgment as soon as possible.

(d) Effective Date and Pending Cases

This rule shall become effective October 5, 1982, and shall apply to all cases not governed by the Bankruptcy Act of 1898, as amended. Any bankruptcy matters pending on October 5, 1982 before a bankruptcy judge shall be deemed referred to that judge.

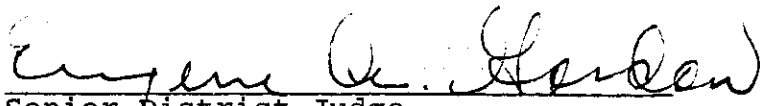
This the 1st day of October, 1982.



Chief Judge, U.S. District Court



U.S. District Judge

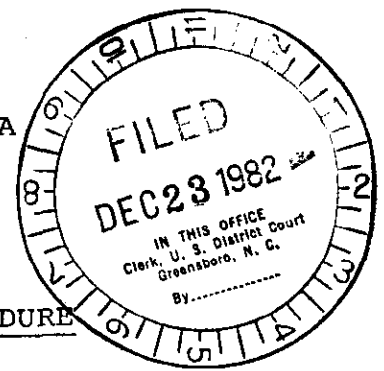


Senior District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 6

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE



Pursuant to an Order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court,

IT IS ORDERED THAT:

(a) Emergency Resolution

The purpose of this Order is to supplement existing law and rules in respect to the authority of the bankruptcy judges of this district to act in bankruptcy cases and proceedings until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., ___ U.S. ___, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982), or until March 31, 1984, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of Public Law 95-598; (2) the clear intent of Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Filing of bankruptcy papers

The bankruptcy court constituted by § 404 of Public Law 95-598 shall continue to be known as the United States

Bankruptcy Court of this district. The Clerk of the Bankruptcy Court is hereby designated to maintain all files in bankruptcy cases and adversary proceedings. All papers in cases or proceedings arising under or related to Title 11 shall be filed with the Clerk of the Bankruptcy Court regardless of whether the case or proceeding is before a bankruptcy judge or a judge of the district court, except that a judgment by the district judge shall be filed in accordance with Rule 921 of the Bankruptcy Rules.

(c) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court at any time on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(3) Referred cases and proceedings may be transferred in whole or in part between bankruptcy judges within the district without approval of a district judge.

(d) Powers of Bankruptcy Judges

(1) The bankruptcy judges may perform in referred bankruptcy cases and proceedings all acts and duties necessary for the handling of those cases and proceedings except that the bankruptcy judges may not conduct:

- (A) a proceeding to enjoin a court;
- (B) a proceeding to punish a criminal contempt --
 - (i) not committed in the bankruptcy judge's actual presence; or
 - (ii) warranting a punishment of imprisonment;
- (C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or
- (D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to a district judge.

(2) Except as provided in (d)(3), orders and judgments of bankruptcy judges shall be effective upon entry by the Clerk of the Bankruptcy Court, unless stayed by the bankruptcy judge or a district judge.

(3) (A) Related proceedings are those civil proceedings that, in the absence of a petition in bankruptcy, could have been brought in a district court or a state court. Related proceedings include, but are not limited to, claims brought by the estate against parties who have not filed claims against the estate. Related proceedings do not include: contested and uncontested matters concerning the administration of the estate; allowance of and objection to claims against the estate; counterclaims by the estate in whatever amount against persons filing claims against the estate; orders in respect to obtaining credit; orders to turn over property of the estate; proceedings to set aside preferences and fraudulent conveyances; proceedings in respect to lifting of the automatic stay; proceedings to determine dischargeability of particular debts; proceedings to object to the discharge; proceedings in respect to the confirmation of plans; orders approving the sale of property where not arising from proceedings resulting from claims brought by the estate against parties who have not filed claims against the estate; and similar matters. A proceeding is not a related proceeding merely because the outcome will be affected by state law.

(B) In related proceedings the bankruptcy judge may not enter a judgment or dispositive order, but shall submit findings, conclusions, and a proposed judgment or order to the district judge, unless the parties to the proceeding consent to entry of the judgment or order by the bankruptcy judge.

(e) District Court Review

(1) A notice of appeal from a final order or judgment or proposed order or judgment of a bankruptcy judge or an application for leave to appeal an interlocutory order of a bankruptcy judge, shall be filed within 10 days of the date of entry of the judgment or order or of the lodgment of the proposed judgment or order. As modified by sections (e) 2A and B of this rule, the procedures set forth in Part VIII of the Bankruptcy Rules apply to appeals of bankruptcy judges' judgments and orders and the procedures set forth in Bankruptcy Interim Rule 8004 apply to applications for leave to appeal interlocutory orders of bankruptcy judges. Modification by the district judge or the bankruptcy judge of time for appeal is governed by Rule 802 of the Bankruptcy Rules.

(2) (A) A district judge shall review:

- (i) an order or judgment entered under paragraph (d)(2) if a timely notice of appeal has been filed or if a timely application for leave to appeal has been granted;
- (ii) an order or judgment entered under paragraph (d)(2) if the bankruptcy judge certifies that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any notice of appeal or application for leave to appeal was filed; and

(iii) a proposed order or judgment lodged under paragraph (d)(3), whether or not any notice of appeal or application for leave to appeal has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

(3) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (e)(2), the district judge shall review the matter and enter an order or judgment as soon as possible.

(4) It shall be the burden of the parties to raise the issue of whether any proceeding is a related proceeding prior to the time of the entry of the order or judgment of the district judge after review.

(f) Local Rules

In proceedings before a bankruptcy judge, the local rules of the bankruptcy court shall apply. In proceedings before a judge of the district court, the local rules of the district court shall apply.

(g) Bankruptcy Rules and Title IV of Public Law 95-598

Courts of bankruptcy and procedure in bankruptcy shall continue to be governed by Title IV of Public Law 95-598 as amended and by the bankruptcy rules prescribed by the Supreme Court of the United States pursuant to 28 U.S.C. § 2075 and limited by SEC. 405(d) of the Act, to the extent that such Title and Rules are not inconsistent with the holding of Northern Pipeline Construction Co. v. Marathon Pipe Line Co., ____ U.S. ____, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982).

(h) Effective Date and Pending Cases

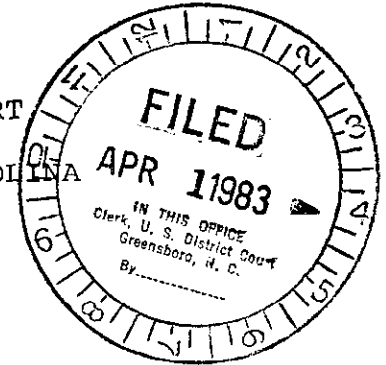
This Order shall become effective December 25, 1982, and shall apply to all bankruptcy cases and proceedings not governed by the Bankruptcy Act of 1898 as amended, and filed on or after October 1, 1979. Any bankruptcy matters pending before a bankruptcy judge on December 25, 1982, shall be deemed referred to that judge.

FOR THE COURT:


Chief Judge

December 23, 1982.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 7

APPOINTMENT OF A PERSON TO SERVE CIVIL PROCESS

For good cause appearing to the Court,

IT IS ORDERED that:

The Clerk of this court be and he hereby is empowered and authorized to specially appoint a person to serve civil processes pursuant to Rule 4(c)(1), (2)(B) and (3) of the Federal Rules of Civil Procedure, upon application for such appointment by a party or an attorney for such party.

This the 1st day of April, 1983.



Chief Judge, U. S. District Court

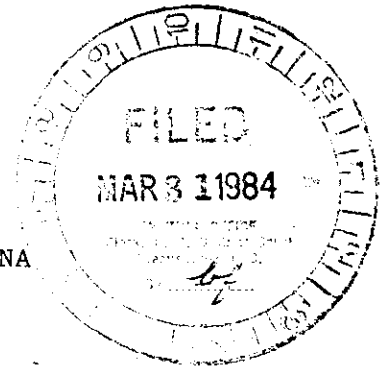


U. S. District Judge



U. S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NO. 8

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

For good cause appearing to provide for the orderly administration of bankruptcy cases to be continued,

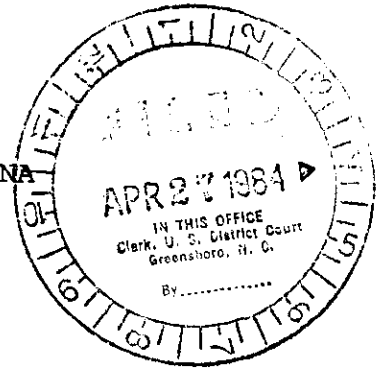
IT IS ORDERED that Standing Order Number 6 of this Court (entitled "Interim Bankruptcy Administration and Procedure"), dated December 23, 1982, is extended until the U. S. Congress enacts appropriate remedial legislation in response to the U. S. Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982), or until April 30, 1984, whichever first occurs.

This the 31st day of March, 1984.

FOR THE COURT:

Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NO. 9

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

Pursuant to an Order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court for the continuation of the orderly administration of bankruptcy cases, IT IS

ORDERED that Standing Order Number 6 of this Court (entitled "Interim Bankruptcy Administration and Procedure"), dated December 23, 1982, is extended until the United States Congress enacts appropriate remedial legislation in response to the United States Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982).

This the 27th day of April, 1984.

FOR THE COURT:


Chief Judge

SAMUEL W. PHILLIPS
CIRCUIT EXECUTIVE
UNITED STATES COURT OF APPEALS
FOURTH CIRCUIT

P.O. BOX 66
RICHMOND, VIRGINIA 23214-1860

804-771-2184
FTS-925-2184

May 7, 1984

RECEIVED
In This Office

MAY - 9 1984

CLERK, U. S. DISTRICT COURT
GREENSBORO, N. C.

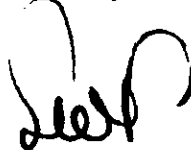
TO: Chief Judges, U. S. District Courts
U. S. Bankruptcy Judges
Clerks, U. S. District Courts
Clerks, U. S. Bankruptcy Courts

SUBJECT: Bankruptcy Courts, Extension of the Transitional
Period

Dear Judges and Clerks:

Attached is a copy of an Order entered by Chief Judge Winter for the Judicial Council on Monday, April 30, 1984 which requires that the existing rules for the administration of the bankruptcy system in this Circuit be amended to remain in effect until Congress enacts appropriate legislation.

Sincerely,



Samuel W. Phillips

kw

Attachment

cc: Honorable Harrison L. Winter
Chief Judge, Fourth Circuit

Members of Judicial Council

Mr. William E. Foley
Director, Administrative Office, U.S. Courts

UNITED STATES COURT OF APPEALS
for the Fourth Circuit

FILED

APR 30 1984

U. S. Court of Appeals
Fourth Circuit

JUDICIAL COUNCIL

In the matter of
Bankruptcy Courts

Order No. 19

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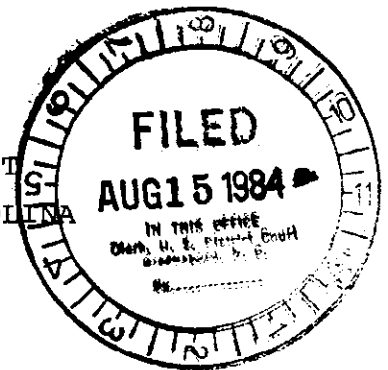
Acting pursuant to the authority vested in the Judicial Council by 28 U.S.C. § 332 (d), the Judicial Council of the Fourth Circuit concludes that the uniform, effective and expeditious administration of justice within this circuit requires that the rule for the administration of the bankruptcy system in this circuit adopted by the district courts of this circuit pursuant to Judicial Council Order No. 3 and amended by Judicial Council Order No. 18 be amended to remain in effect until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S. Ct. 2858 (1982), and it is so ordered.

For the Council

James L. Walker
Chief Judge

April 30, 1984

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF THE ADMINISTRATION:
OF THE UNITED STATES BANKRUPTCY :
COURT FOR THE MIDDLE DISTRICT OF :
NORTH CAROLINA :

O R D E R

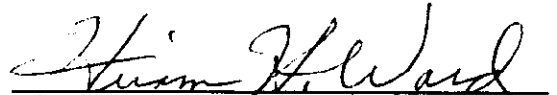
(STANDING ORDER NO. 10)

The Bankruptcy Amendments and Federal Judgeships Act of 1984 (Public Law 98-353) enacted on July 10, 1984, provides that the district courts shall have jurisdiction of --

- (1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687);
- (2) cases under Title 11 of the United States Code, and proceedings arising under Title 11 of the United States Code or arising in or related to cases under Title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), and
- (3) cases under Title 11 of the United States Code, and proceedings arising under Title 11 of the United States Code or arising in or related to cases under Title 11 of the United States Code filed after the enactment of Public Law 98-353.

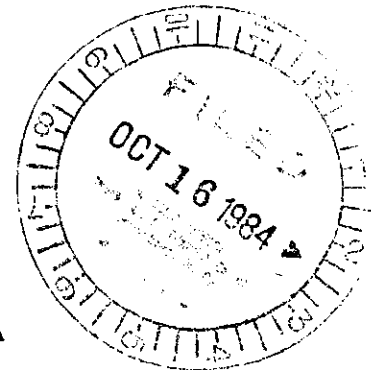
NOW, THEREFORE, pursuant to 28 U.S.C. § 157(a), IT IS ORDERED that all such cases, matters and proceedings in the Middle District of North Carolina are hereby referred to the bankruptcy judges of this District except for those cases, matters and proceedings withdrawn by orders of the district court prior to June 28, 1984.

FOR THE COURT:


Hiram H. Ward, Chief Judge
United States District Court

Date: August 15, 1984

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 11

DISCLOSURE OF GRAND JURY TESTIMONY IN CRIMINAL CASES

For good cause appearing to the Court,

IT IS ORDERED THAT:

Prosecuting attorneys representing the United States and any attorney representing a defendant or any defendant proceeding pro se in a criminal case before this court who has, pursuant to Rules 6, 16(a)(1)(A), 26.2, and 12(i) of the Federal Rules of Criminal Procedure; the provisions of Title 18, United States Code, Section 3500; or the doctrine of Brady v. Maryland, 373 U.S. 83 (1963), received a transcript of recorded testimony of any witness before a grand jury either by and through an order of this Court or the open file policy of the United States Attorney shall handle the grand jury transcripts of recorded testimony strictly in accordance with the following instructions:

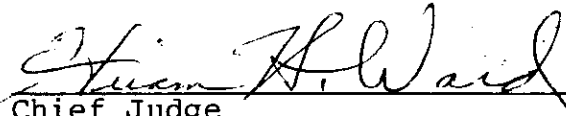
1. Except as otherwise provided for by Rule 6, Federal Rules of Criminal Procedure, disclosure is to be made only to counsel of record of a defendant or to any defendant proceeding pro se in the criminal action.
2. No counsel of record of a defendant or a defendant proceeding pro se in the criminal action may reproduce any transcript of testimony described herein.
3. Within ten days following the termination of the criminal action, inclusive of any period allowed for appeal, recipients of transcripts of testimony from prosecuting attorneys for the Government shall deliver to the prosecuting attorney for the Government the transcripts to be held in accordance with Rule 6 of the Federal Rules of Criminal Procedure.
4. The transcripts may be used solely for evidentiary purposes in the criminal action.
5. Except to the limited extent that disclosure to the defendant-client or to secretarial assistants may be essential in the preparation of motions and briefs or in the preparation for

trial in the criminal case, no recipient shall disclose the contents of any transcript of testimony to any non-recipient.

6. Recipients of transcripts of testimony shall immediately inform any and all persons assisting them in a criminal action of the contents of this Order.

IT IS FURTHER ORDERED that the U.S. Attorney shall provide a copy of this order to attorneys or defendants proceeding pro se who obtain copies of Grand Jury material pursuant to this order.

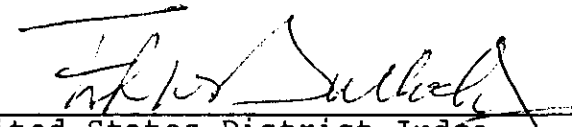
This the 16th day of October, 1984.



Chief Judge
United States District Court



United States District Judge

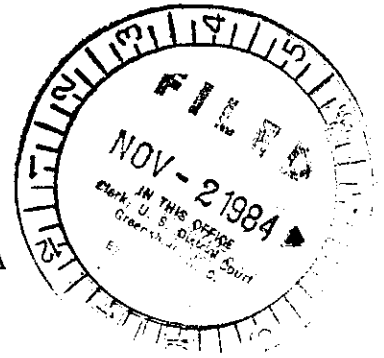


United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 12

IN THE MATTER OF DESIGNATING THE BANKRUPTCY CLERK
AS ACCOUNTABLE OFFICER FOR HANDLING BANKRUPTCY
REGISTRY FUNDS, COSTS, AND OTHER MONIES

Pursuant to the Bankruptcy Amendments and Federal Judgeship Act (Public Law No. 98-353, 98 Stat. 333), it is necessary to designate the accountable officer for the handling of all bankruptcy fees collected under 28 U.S.C. § 1930 and bankruptcy registry funds received under 28 U.S.C. § 2041.

Therefore, IT IS HEREBY ORDERED that:

Bankruptcy Clerk Designated as Accountable Officer for Bankruptcy Registry Funds:

The bankruptcy clerk, Mr. William L. Schwenn, is designated as the accountable officer in this judicial district for all monies paid into the United States Bankruptcy Court for the Middle District of North Carolina in petitions and proceedings pending before or adjudicated by a bankruptcy judge in this district. The bankruptcy clerk shall collect and receive all such monies for the district court, shall deposit them in the name and to the credit of the district court in accordance with 28 U.S.C. § 2041, and shall administer, withdraw, and disburse them only in accordance with 28 U.S.C. § 2042. Bankruptcy

registry funds will be maintained in an account entitled: U.S. District Court, Bankruptcy Clerk.

Accountability for and Handling of Bankruptcy Fees, Costs, and Other Monies:

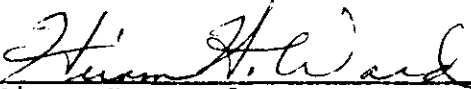
The bankruptcy clerk, Mr. William L. Schwenn, shall collect all fees and costs in petitions and proceedings referred to a bankruptcy judge and shall be responsible, liable, and accountable for them. The bankruptcy clerk shall make returns of all fees, costs, and other monies collected by him in accordance with procedures prescribed by the Director of the Administrative Office of the United States Courts.

Bankruptcy Clerk's Responsibility:

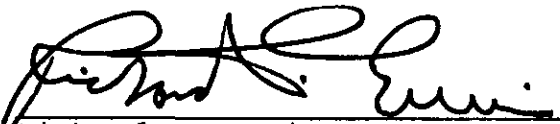
The bankruptcy clerk, Mr. William L. Schwenn, is responsible for the supervision of all personnel handling bankruptcy monies, the establishment of control procedures relating thereto, the day-to-day implementation of an execution of fiscal procedures, the collection and disposition of all bankruptcy fees, costs or other monies and any registry funds of the bankruptcy court, the maintenance of financial records, and the reconciliation of these monies in accordance with guidelines promulgated by the Administrative Office of the United States Courts. Notwithstanding the fact that all personnel actually handling money relating to bankruptcy petitions are accountable for any monies in their official custody and possession and are liable for any losses, the bankruptcy clerk is accountable therefor and will be ultimately liable for the loss of any funds collected and received in the Bankruptcy Court. A copy of each financial report concerning

bankruptcy monies, excluding registry funds, required by or rendered to the Administrative Office of the U.S. Courts, or provided to or received from the U.S. Treasury and each internal financial control procedure established in the bankruptcy court shall be furnished this court, Attention: Clerk of Court.

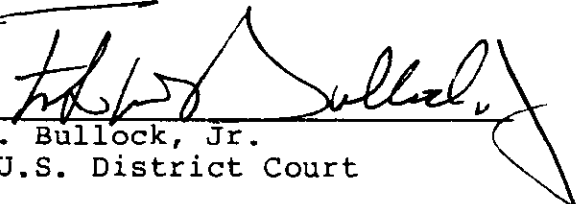
This the 2nd day of NOVEMBER, 1984.



Hiram H. Ward
Chief Judge, U.S. District Court



Richard C. Erwin
Judge, U.S. District Court

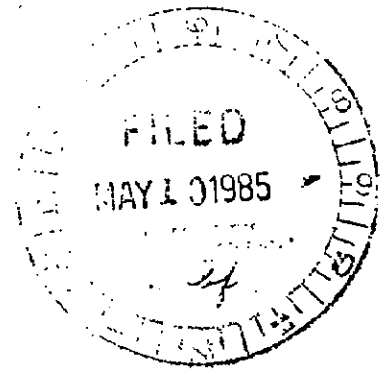


Frank W. Bullock, Jr.
Judge, U.S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 13

IN THE MATTER OF ESTABLISHING A PROCEDURE
FOR OBJECTING TO A BANKRUPTCY JUDGE'S
FINDINGS & RECOMMENDATIONS



Pursuant to the Bankruptcy Amendments and Federal Judgeship Act (Public Law No. 98-353, 98 Stat.333), a bankruptcy judge may hear a proceeding that is not a core proceeding but which is otherwise related to a case under Title 11 of the U. S. Code, and in such proceeding the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected. [28 U.S.C. 157(c)(1)].


In order that a uniform procedure may be followed in this judicial district by a party desiring to object to findings and recommendations of a bankruptcy judge, IT IS HEREBY ORDERED that:

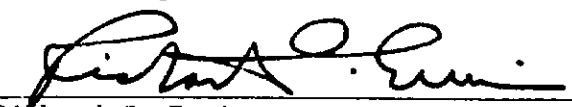
The procedure for filing objections to a bankruptcy judge's recommendation on a dispositive or other matter shall be as set forth in Rule 72(b) of the Federal Rules of Civil Procedure; and IT IS FURTHER ORDERED that:

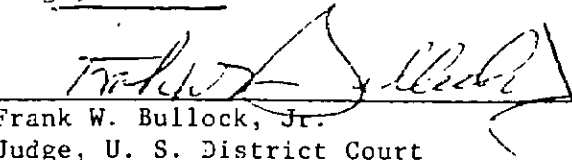
For the purpose of reading and implementing this Standing Order, Rule 72(b) of the Federal Rules of Civil Procedure shall be read to substitute the words "bankruptcy judge" for the word "magistrate" in every instance where "magistrate" appears; and IT IS FURTHER ORDERED that:

The Clerk of the Bankruptcy Court for the Middle District of North Carolina shall cause to be mailed, and shall certify to the mailing of, a notice setting forth the pertinent portion of Rule 72(b), Federal Rules of Civil Procedure to appropriate parties in a bankruptcy case or adversary proceeding at the time that the bankruptcy judge's findings and recommendations are issued from the office of the Bankruptcy Court Clerk.

This the 10 day of May, 1985.


Hiram H. Ward
Chief Judge, U. S. District Court


Richard C. Erwin
Judge, U. S. District Court


Frank W. Bullock, Jr.
Judge, U. S. District Court

IN RE

Case No.

Plaintiff(s),

Adversary Proceeding No.

V.

Defendant(s).

NOTICE

Attached to this Notice are the Bankruptcy Judge's Findings and Recommendations in the above-entitled proceeding, which have been filed and entered on the docket in this proceeding.

Pursuant to Standing Order No. _____ of the U. S. District Court for the Middle District of North Carolina, a party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the bankruptcy judge deems sufficient, unless the district judge otherwise directs. Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof. The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the bankruptcy judge's disposition to which specific written objection has been made. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

You are hereby notified that unless written objections to the Bankruptcy Judge's Findings and Recommendations are served and filed, the district judge shall enter an appropriate order or judgment but need not make a de novo review of the Bankruptcy Judge's Findings and Recommendations. Therefore, if you fail to serve and file objections within ten (10) days from the date of this Notice, you may waive your right to question on appeal the substance of the Bankruptcy Judge's Findings and Recommendations accepted by the district judge.

I hereby certify that on the _____ day of _____, 19____, I deposited in the United States mail one true copy of this Notice with copy of Bankruptcy Judge's Findings and Recommendations attached, enclosed in a United States Government franked envelope, addressed to persons listed below at the last known addresses, as follows:

William L. Schwenn, Clerk

By: _____
Deputy Clerk

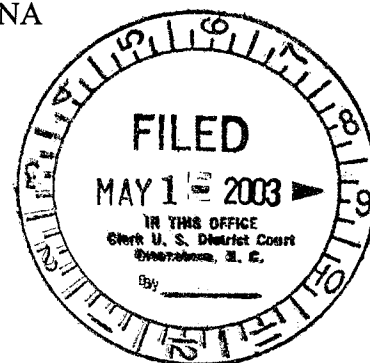
IN RE

Case No.

Debtor

By: _____
Deputy Clerk


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



STANDING ORDER NUMBER 14
IN THE MATTER OF TRANSCRIPT RATES

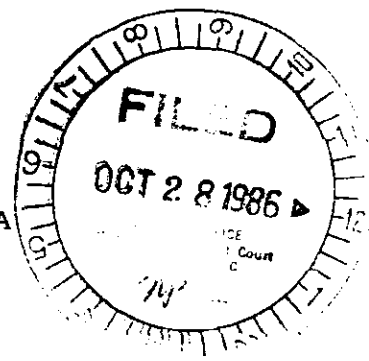
As of April 2, 1992, Standing Order 14 is superceded by Standing Order 27.

Dated this day of 1st May 2003.


J.P. Creekmore
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 14
IN THE MATTER OF TRANSCRIPT RATES



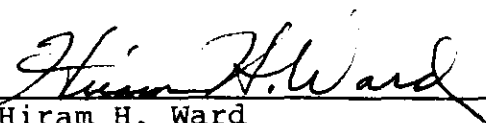
Pursuant to a resolution adopted by the Judicial Conference of the United States at its September 1986 meeting, the following maximum allowable transcript rates are approved and effective in this District as of 28th October, 1986, and until such time as the fee structure is further reviewed by the Judicial Conference of the United States:

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Additional Copy to the Same Party</u>
Ordinary Transcript	\$3.00	\$.75	\$.50
Expedited Transcript	4.00	.75	.50
Daily Transcript	5.00	1.00	.75
Hourly Transcript	6.00	1.00	.75

Said maximum allowable transcript rates will not apply to any transcripts paid for by funds from the Federal Treasury, such as and including any transcript ordered by the U. S. Attorney, or under the Criminal Justice Act, or on behalf of a person proceeding in forma pauperis as long as the Gramm/Rudman/Hollings Act is in effect.

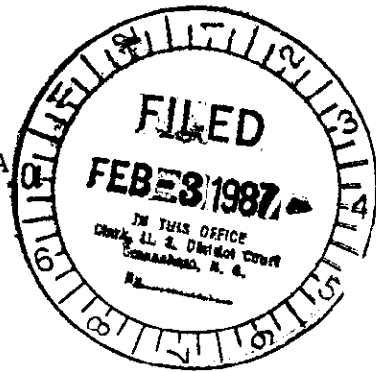
This 28th day of October, 1986.

For the Court:


Hiram H. Ward
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 15
IN RE: CONDITIONS OF SUPERVISED RELEASE



Pursuant to 18 U.S.C. § 3583(d), IT IS HEREBY ORDERED:

I. When terms of supervised release are imposed by this Court in any criminal case, the general conditions of supervised release in each case shall be as follows:

- (A) the offender shall not commit another federal, state, or local crime during the term of supervised release;
- (B) the offender shall not leave the judicial district without obtaining permission from the probation officer;
- (C) the offender shall report to the probation officer as directed by the Court or the probation office and submit a truthful written monthly report within the first five days of each month;
- (D) the offender shall permit a probation officer to visit him at his/her home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- (E) the offender shall answer inquiries by a probation officer and follow the instructions of the probation officer;
- (F) the offender shall notify the probation officer promptly of any changes in address or employment;

- (G) the offender shall notify the probation officer promptly if arrested or questioned by a law enforcement officer;
- (H) the offender shall maintain reasonable hours, shall associate only with law-abiding persons, and shall not associate with individuals with criminal felony records unless granted permission to do so by the probation officer;
- (I) the offender shall not possess a firearm, dangerous weapon, or destructive device;
- (J) the offender shall not purchase, possess, use, distribute, or administer any controlled substance, to include narcotics, marijuana, depressants or stimulants, or any paraphernalia related to the foregoing unless prescribed by a physician. The offender shall not frequent places where such drugs are illegally sold, dispensed, used, or given away. Neither shall the offender drink alcoholic beverages to excess;
- (K) the offender shall not enter into any agreement to act as an informer or special agent of any law enforcement agency;
- (L) as directed by the probation officer, the offender shall provide notification to third parties as to risks that may be occasioned by the offender's criminal record or personal characteristics, and shall permit the probation officer to make such notifications and to

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confirm the offender's compliance; and

- (M) the offender shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons. The offender shall notify the probation officer immediately of any change in employment status to include job changes or being out of work.

II. In addition to the general conditions of supervised release imposed in criminal cases, the Court may impose such special conditions of supervised release as it deems necessary, including any condition that could be imposed as a condition of probation except the condition that the offender be placed in custody for intervals of time, which are reasonably related to:

- (A) the nature and circumstances of the offense;
- (B) the history and characteristics of the offender;
- (C) the need to deter further criminal conduct; and
- (D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.


III. (A) The breach of any of the general conditions of supervised release shall be sufficient reason for

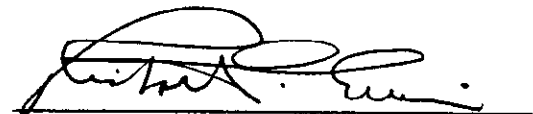
revoking the order of supervised release and bringing the offender again before the Court for further judgment.

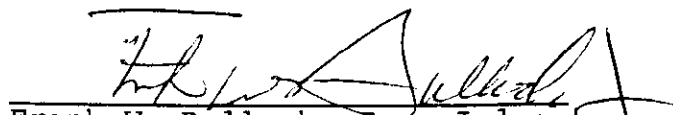
- (B) The breach of any special conditions of supervised release ordered by the Court shall likewise be sufficient reason for revoking the order of supervised release and bringing the offender again before the Court for further judgment.
- (C) The Court reserves the power, for cause or reason shown at any time during the period of supervised release, to revoke, change or modify any condition of supervised release.

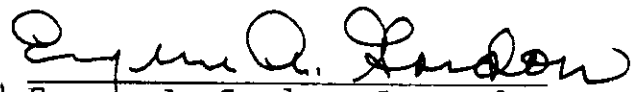
IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of this Court.

This the 3rd day of ~~January~~^{February}, 1987.

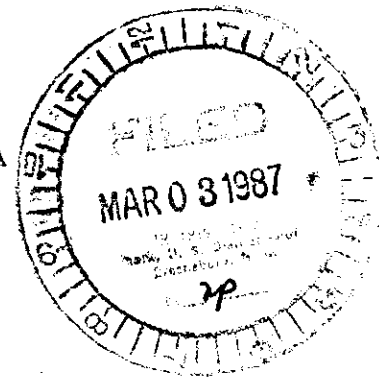

Hiram H. Ward, Chief Judge
U.S. District Court


Richard C. Erwin, Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court


Eugene A. Gordon, Sr. Judge
U. S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



EQUAL EMPLOYMENT)
OPPORTUNITY PLAN)
FOR)
UNITED STATES DISTRICT)
COURT FOR THE MIDDLE DISTRICT)
OF NORTH CAROLINA)

STANDING ORDER
NUMBER 16

- I. Pursuant to resolutions of the Judicial Conference of the United States and for good cause appearing to the Court, this Court will promote equal employment opportunity through a program encompassing all facets of personnel management; including recruitment, hiring, promotion, advancement, etc.; and will provide equal employment opportunity to all persons regardless of their race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. This program, which will be evaluated periodically, is not intended to modify or reduce the qualification standards for employment in the Federal courts as such standards have been approved by the Judicial Conference of the United States.
- II. SCOPE OF COVERAGE.
- This Equal Employment Opportunity Program applies to all court personnel including judges' staffs and court officers and their staffs.

III. ORGANIZATION.

A. Implementation.

The court shall implement the Equal Employment

- Opportunity Program. On behalf of the court, the Chief Judge will submit modifications in the plan for Judicial Council approval.

B. Heads of Court Support units.

The heads of each court support unit must ensure that all vacancies are publicly announced to attract candidates who represent the make-up of persons available in the qualified labor market and all hiring decisions are based solely on job-related factors. They should make reasonable efforts to see that the skills, abilities, and potential of each employee are identified and developed, and that all employees are given equal opportunities for promotions by being offered, when the work of the court permits and within the limits of available resources, cross-training, reassignments, job restructuring, special assignments, and outside job-related training.

C. Judges, Court Managers, and Supervisors.

Judges and designated court managers and supervisors must apply equal employment opportunity practices and policies in their work units. This includes giving each employee a fair and equal opportunity to demonstrate his or her skills and, where those abilities exceed general performance standards, to be recommended for personnel actions and awards recognizing such achievements. As

resources permit, it also requires providing training programs which enable employees to develop their job skills fully.

D. Equal Employment Opportunity Coordinator.

The court will designate one person to be the Equal Employment Opportunity Coordinator. This person will be responsible for collecting, analyzing, and consolidating the statistical data and statements prepared by each court unit. The Coordinator will then prepare an annual report for the Chief Judge and the Administrative Office describing the court's achievements in providing equal employment opportunities, identifying those areas in which improvements are needed, and explaining those factors inhibiting achievement of equal employment opportunity objectives. Based upon this evaluation and report, the Coordinator will recommend modifications in the plan to the court. The Coordinator will also seek to resolve discrimination complaints informally and will provide EEO information to the public.

IV. PERSONNEL PRACTICES.

A. Recruitment.

Each court unit will seek qualified applicants who reflect the make-up of all such persons in the relevant labor market. Each unit will publicize all vacancies.

B. Hiring.

Each court unit will make its hiring decisions strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position satisfactorily.

C. Promotion.

Each court unit will promote employees according to their experience, training, and demonstrated ability to perform duties of a higher level.

D. Advancement.

Each court unit will seek insofar as reasonably practicable to improve the skills and abilities of its employees through cross-training, job restructuring, assignments, details, and outside training.

E. Discrimination Complaints.

The court adopts the procedures for resolving discrimination complaints set forth in Appendix 1.

V. EVALUATIONS

Each court unit will prepare a brief report for the EEO Coordinator describing its efforts to provide equal employment opportunities in:

- a) Recruitment. Each court unit will describe briefly efforts made to bring a fair cross-section of the pool available for the position into its applicant pool,

- including listing all employment sources used (e.g., state employment offices, schools, organizations, etc.). Each unit will also explain the methods it uses to
- publicize vacancies.
 - b) Hiring. Each court unit will identify where its recruitment efforts resulted in the hiring of a cross-section of the pool available and will, if known, explain those instances where members of the cross-section did not accept employment with the court when it was offered.
 - c) Promotions. Each court unit will briefly describe promotional opportunities which occurred and will provide an analysis of the distribution of promotions, including a description of those persons who were promoted to supervisory positions.
 - d) Advancement. Each court unit will describe what efforts were made to improve the skills and abilities of employees through cross-training, job restructuring, assignments, details, and outside training.

In addition, this evaluation should include information on factors inhibiting achievement of EEO objectives such as no vacancies, minimal numbers of qualified applicants in the relevant labor market, and on all persons in the unit who have received all relevant training. This report will also include a breakdown according to the race, sex, national origin, and handicap of the court's personnel involved on forms to be provided by the Administrative Office of the United States Courts.

The report will cover personnel actions occurring in the year ending September 30 and will be submitted to the EEO Coordinator by November 1 of each year.

VI. OBJECTIVES.

Each court unit will develop annually its own objectives which reflect those improvements needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan for the EEO Coordinator explaining how those objectives will be achieved.

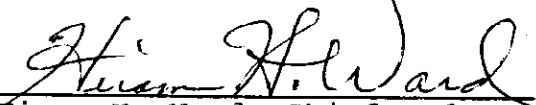
VII. ANNUAL REPORT.


The EEO Coordinator will prepare for the court's approval an annual report for the year ending September 30, consolidating the data and statements received from each court unit. The report will include tables to be provided by the Administrative Office of the United States Courts consolidating the information provided by each court unit. It will also describe instances where significant achievements were made in providing equal employment opportunities, will identify areas where improvements are needed, and will explain factors inhibiting achievement of equal employment opportunity objectives. Upon approval of the court, this report will be submitted by the Chief Judge to the Administrative Office of the United States Courts by November 30 of each year.

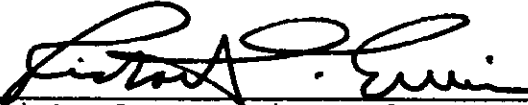
Accordingly, IT IS ORDERED that the foregoing Equal Employment Opportunity Plan and the attached Discrimination

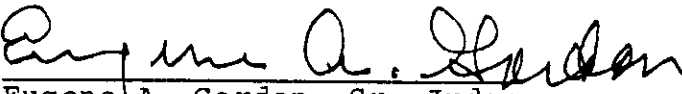
Complaint Procedures promulgated by the Judicial Conference of
the United States are hereby ADOPTED.

This the 3rd day of March, 1987.


Hiram H. Ward, Chief Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court


Richard C. Erwin, Judge
U. S. District Court


Eugene A. Gordon, Sr. Judge
U. S. District Court

JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

APPENDIX 1

DISCRIMINATION COMPLAINT PROCEDURES

**Judicial Conference of the United States
March 1980**

(Rev. September 1986)

I. SCOPE OF COVERAGE.

All applicants for court positions and all court personnel may seek timely redress of discrimination complaints through these procedures. These procedures, however, are not intended to be a replacement for the working relationship which must exist between supervisors and employees, nor are they intended to interfere in the administrative processes of the courts.

II. DEFINITION.

A discrimination complaint is any allegation that a person has been denied employment, promotion, or advancement, or has been affected in any other condition of employment, because of his or her race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. It also includes allegations of restraint, interference, coercion, discrimination, or reprisal because a person has raised an allegation of discrimination or has served as a representative, a witness, or an EEO Coordinator in connection with a complaint. It does not include complaints relating other dissatisfactions in a person's conditions of employment which are commonly known as grievances.

III. RIGHTS OF PERSONNEL.

A. Retaliation.

Every complainant has the right to be free from retaliation, coercion, or interference because of filing a timely complaint.

B. Representation.

Every complainant and every person against whom a complaint has been filed has the right to be represented by a person of his or her choice if such person is available and consents to be a representative. A court employee may accept the responsibilities of representation if it will not unduly interfere with his or her court duties or constitute a conflict of interest. A representative who is a court employee shall be free from restraint, interference, coercion, discrimination, and reprisal, and shall have a reasonable amount of official time to accompany, represent, and advise the complainant or the person complained against at any stage in the complaint procedures.

C. Notice.

Every person against whom a complaint has been timely filed has the right to have notice of the charges filed against him or her. All persons involved have the right to reasonable notice of any hearing conducted on a complaint.

D. Preparation.

All court employees involved in a complaint procedure may use a reasonable amount of official time to prepare their case so long as it does not unduly interfere with the performance of their court duties.

IV. PROCEDURES.

A. Initiation of a Complaint.

Any applicant or any court employee, or his or her representative, may file a timely discrimination complaint with the EEO Coordinator. If the EEO Coordinator is named in the complaint or otherwise directly involved in the complaint, he or she shall promptly transmit the complaint to the Chief Judge or a designee who will appoint another person to perform the functions of the EEO Coordinator with respect to the complaint in question. The complaint must be in writing, must allege all relevant facts constituting the basis for such complaint, and must specify the relief requested. A complaint form is available upon request.

B. Informal Procedures.

Upon receipt of a complaint, the EEO Coordinator:

1. May reject a complaint that was not timely filed and shall reject those allegations in the complaint that are not within the purview of Section II of these Discrimination Complaint Procedures, or that set forth identical matters contained in a pending or previous complaint filed by the same complainant;
2. Will make any investigation into the matter which he or she deems necessary;
3. Will consult with the involved parties and seek an informal resolution of the problem;
4. Will prepare a report to the parties identifying the issues, describing his or her findings and recommendations, explaining what resolution, if any, was achieved, and defining what corrective actions, if any, will be undertaken; and
5. May cancel a complaint because of the complainant's failure to prosecute the complaint.

C. Formal Procedures.

1. Filing.

If either the complainant or the person against whom the complaint has been filed objects to the rejection or cancellation of the complaint or any portion thereof, or to the findings and recommendations of the EEO Coordinator, such person may file a written request with the Chief Judge or a designee to have the matter reviewed.

2. Review.

Upon receipt of a request to review the findings and recommendations of the EEO Coordinator, the Chief Judge or a designee will:

- a. Conduct any additional investigation which he or she deems necessary;
- b. Determine whether to interview the parties or other persons;
- c. Determine whether to hold a formal hearing on the matter; and
- d. Issue a final decision on the rejection, cancellation, or merits of the complaint if it is found that no interviews or hearings are necessary.

3. Hearing.

If the Chief Judge or a designee finds that a hearing is necessary, all parties will be notified of such action. At the hearing, each party will have the right to representation, to present evidence on his or her behalf, and to cross-examine adverse witnesses. The Chief Judge or a designee will issue a final decision on the merits based upon his or her findings.

D. Deadlines.

Initial complaints and the review of complaints are subject to the following deadlines:

1. All complaints must be filed within 15 calendar days of a particular act or occurrence or within 15 calendar days of becoming aware of the act or occurrence, and no late filing will be accepted unless good cause is presented to the EEO Coordinator;
2. The EEO Coordinator will prepare a report within 20 calendar days after consultation with the involved parties;

3. All requests for review of the EEO Coordinator's findings must be submitted within 5 calendar days after receipt of the report;
4. The Chief Judge or a designee will issue a final decision within 45 calendar days after receipt of the request if no hearing is held;
5. The Chief Judge or a designee will issue a final decision within 30 calendar days after the close of a hearing; and
6. The Chief Judge may extend any of the above-mentioned deadlines for good cause.

V. RECORDS

All papers, files, and reports will be filed with the EEO Coordinator at the conclusion of any informal or formal proceeding in a complaint. No papers, files, or reports relating to a complaint will be filed in any employee's personnel folder, except as necessary to implement disciplinary action against any person who engaged in discriminatory conduct.

VI. ANNUAL REPORT.

The EEO Coordinator will prepare an annual report for the year ending September 30, indicating:

1. The number of complaints initiated;
2. The types of complaints initiated according to race, sex, color, national origin, religion, age or handicap;
3. The number of complaints resolved informally;
4. The number of complaints resolved formally without a hearing; and
5. The number of complaints resolved formally with a hearing.

(The foregoing information will not identify the names of the parties involved.)

A copy of the report will remain in the court and will be made available to the public upon request.

VII. NOTICE.

Copies of these procedures shall be given to all employees and, upon request, to members of the public.

COMPLAINT OF DISCRIMINATION
UNDER THE JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. Full Name of Complainant: _____
2. Address: _____
_____ Zip Code: _____
3. Home Phone: _____ Work: _____
4. If You Are Now a Court Employee, State the Title and Grade of Your Job: _____
5. Type of Alleged Discrimination: (Check and identify as many as are applicable) _____ Race _____
_____ Sex _____ National Origin _____
_____ Color _____ Handicap _____
_____ Religion _____ Age _____
6. Date of alleged discrimination: _____
7. Please identify by name and position the official you believe discriminated against you.

8. Please summarize the events or occurrences giving rise to your complaint, and explain how you believe you were discriminated against (i.e., treated differently from other employees or applicants because of your RACE, SEX, COLOR, NATIONAL ORIGIN, RELIGION, AGE, OR HANDICAP). * You should attach a copy of any documents that relate to your complaint, such as applications, resumes, notices of denial of employment or promotion, letters of reprimand, termination, etc.

* Please use back if additional space is needed.

Handwriting practice lines consisting of 20 horizontal lines.

9. Corrective action sought by you:

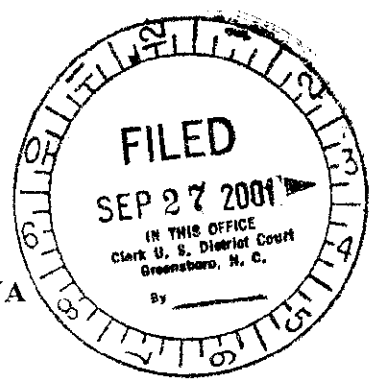
10. Do you have an attorney or other person to represent you?

_____. If yes, name and address of attorney:

Signature

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



**DISCRETIONARY CARRYING OF FIREARMS
BY U.S. PROBATION AND
PRETRIAL SERVICES OFFICERS**

STANDING ORDER NUMBER 17

This standing order supersedes Standing Order Number 17, signed and filed on April 6, 2000, and is published under the same Standing Order number. For purposes of this order, the Chief Probation Officer has authority over probation officers and the Chief Pretrial Services Officer has authority over pretrial services officers.

The carrying of firearms by United States Probation and Pretrial Services Officers is authorized by 18 U.S.C. §§ 3603(9) and 3154(13), subject to approval by the District Court and under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe. It is recognized that probation and pretrial services officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation and pretrial services officers have been the recipients of attempted assaults and threats, both real and implied.

It is now, therefore, ordered that probation and pretrial services officers in the Middle District of North Carolina be authorized to carry firearms in connection with their official duties pursuant to 18 U.S.C. §§ 3603(9) and 3154(13), regulations promulgated by the Director of the Administrative Office of the United States Courts, and additional policies of this district as noted in this order. Probation and pretrial services officers who have previously been authorized to carry firearms by this Court and the Chief Probation Officer and Chief Pretrial Services Officer, are herein granted permission to carry a firearm pursuant to this order.

A. Standards for Authorization and Procedures for Obtaining Authority to Carry a Firearm

1. The probation or pretrial services officer has completed the national and district firearms training programs for probation and pretrial services officers and has been qualified thereunder to carry a firearm.
2. The probation or pretrial services officer has presented to the Chief Probation Officer or Chief Pretrial Services Officer sufficient reasons in writing why the carrying of the firearm is reasonably necessary; (a) in the performance of his or her general duties, or (b) in the performance of a specified assignment.
3. The permission to carry a firearm has been granted in writing by the Chief Probation Officer or Chief Pretrial Services Officer.

4. The Chief Judge of the District has been given notice in writing of the permission granted to carry a firearm, and has not objected within forty-eight hours of the notice.

B. Authorized Firearm and Ammunition

The following firearms and ammunition are authorized for use by probation and pretrial services officers. No other firearms or ammunition are authorized to be carried or used.

1. The approved weapon is a government-owned Glock, Model number 22 or 23, .40 S&W, Safe Action, semi-automatic pistol with a trigger pull no less than the factory standard of 5.5 pounds.
 - a. In the rare event an officers' hand size requires a smaller-framed pistol, the Chief Probation Officer or Chief Pretrial Services Officer may authorize an officer to use an appropriate government-owned, double-action-only type, semi-automatic pistol capable of safely firing the services ammunition.
 - b. If a different weapon is authorized, the Chief Probation Officer or Chief Pretrial Services Officer shall submit a report to the Administrative Office of the United States Courts that explains the decision to authorize a different weapon, and that describes the make, model, and serial number of the weapon authorized.
2. The approved duty ammunition is Speer, .40 S&W, 165 grain Gold Dot Hollow Point-HV (GDHP-HV, JHP).
3. The approved training ammunition is Winchester, .40 S&W, 165 grain full metal jacket.
4. All holsters shall enclose the trigger guard and shall have a keeper strap or an approved retention design.

C. Use and Care of the Firearm

A probation or pretrial services officer may use a firearm only in the exercise of his or her rights of self defense or to protect a fellow officer from death or grievous bodily harm in accordance with the law.

Except for transportation to and from a location in which an officer will perform official duties, the probation or pretrial services officer who has been authorized to carry a firearm may only carry or use a firearm in the course of the performance of the officer's official duties.

A probation or pretrial services officer who has been authorized to carry a firearm is responsible for the care and maintenance of the firearm. Repairs on weapons should be made only by a factory-authorized armorer using factory approved parts.

D. Security

A probation or pretrial services officer who has been authorized to carry a firearm shall, while on duty, carry the firearm on the officer's person or shall store it in a locked gun box. Any such officer shall keep the firearm safely secured utilizing a safety lock device anytime the firearm is at the officer's residence.

At no time will the firearm be unattended or open to public display. When in use, the firearm will be carried in such a way so that it will not be visible to the public. It shall never be carried after the probation or pretrial services officer has consumed any alcoholic beverage. The firearm is not to be left in a vehicle while the officer is on duty, either in the community or the office.

E. Training

Probation and pretrial services officers of the Middle District of North Carolina shall not be granted permission to carry a firearm in the performance of their official duties unless they have completed the approved national and district firearms training programs and have qualified thereunder to carry a firearm.

Requalifications will be required each six months after initial qualification. Probation and pretrial services officers who fail to requalify may be prohibited from carrying a firearm by the Chief Probation Officer or Chief Pretrial Services Officer until they have requalified, and shall be prohibited from carrying a firearm if they have not requalified within twelve months of their initial qualification or last requalification.

Probation or pretrial services officers wishing to qualify shall be required to read and sign a copy of the district firearms policy. The original, signed copy, will be included in the probation or pretrial services officers' firearms training file. In the discretion of the Chief Probation Officer or Chief Pretrial Services Officer, permission to carry a firearm may be withdrawn from any probation or pretrial services officer at any time.

F. Inventory Maintenance

The Chief Probation Officer and Chief Pretrial Services Officer in the district shall keep an inventory of all firearms assigned by the Administrative Office of the United States Courts to his/her respective office. The inventory shall include the following information: name and title of officer to whom the weapon is assigned; the serial number of the assigned weapon; the date the weapon was assigned; the date a safety lock was issued to the officer; and a record of maintenance and repairs to the weapon. The inventory and any changes thereto shall be forwarded to the Federal Corrections and


Supervision Division of the Administrative Office. An officer must return the firearm when requested by his/her chief and, in any event, upon termination of the officer's service in the district.

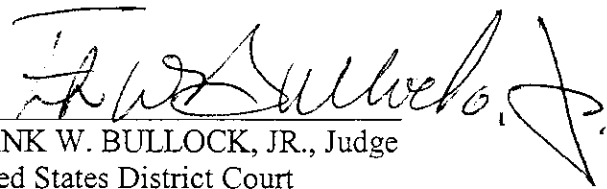
G. Report

A probation or pretrial services officer who displays or discharges a firearm while in the performance of the officer's duties, except in the course of training or qualification, shall file a report in writing with the Chief Probation Officer or Chief Pretrial Services Officer, as appropriate, within 24 hours. The report shall describe in detail the factual circumstances of, and reason for, the discharge or display of the firearm. A similar report shall be prepared in the event a firearm is lost or stolen, within 24 hours of the officer becoming aware that the firearm has been lost or stolen. The Chief Probation Officer or Chief Pretrial Services Officer shall forthwith send copies of any reports required to the Chief Judge of the District and to the director of the Administrative Office of the United States Courts.

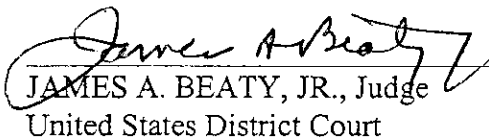
It is ordered that this order shall remain in effect until revoked or modified by further order of this court.

This the 27th day of September, 2001.


N. CARLTON TILLEY, JR., Chief Judge
United States District Court


FRANK W. BULLOCK, JR., Judge
United States District Court

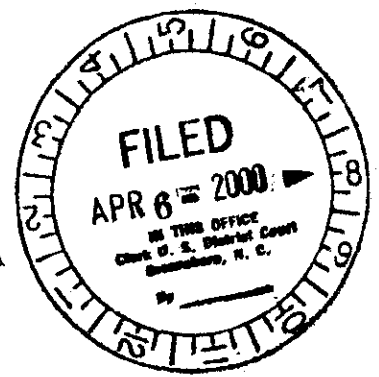

WILLIAM L. OSTEEN, SR., Judge
United States District Court


JAMES A. BEATY, JR., Judge
United States District Court

I have read and understand Standing Order number 17.

U.S. Probation or Pretrial Services Officer (Date)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DISCRETIONARY CARRYING OF
FIREARMS BY PROBATION and PRETRIAL SERVICE OFFICERS

STANDING ORDER NUMBER 17

This standing order supersedes Standing Order Number 17 (modified), signed and filed on July 2, 1997, and is published under the same Standing Order number.

The carrying of firearms by United States Probation and Pretrial Service Officers is authorized by 18 U.S.C. § 3603(9), subject to approval by the District Court and under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe. It is recognized that probation and pretrial service officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation and pretrial service officers have been the recipients of attempted assaults and threats, both real and implied. It is now, therefore, ordered that probation and pretrial service officers in the Middle District of North Carolina be authorized to carry firearms in connection with their official duties pursuant to 18 U.S.C. § 3603(9), regulations promulgated by the Director of the Administrative Office of the United States Courts, and additional policies of this district as noted in this order. Probation officers who have previously been authorized to carry firearms by this Court and the Chief Probation Officer are herein granted permission to carry a firearm pursuant to this order.

A. Standards for Authorization and Procedures for Obtaining Authority to Carry a Firearm

1. The probation or pretrial service officer has completed the National and District firearms training program for probation and pretrial service officers and has been qualified thereunder to carry a firearm.
2. The probation or pretrial service officer has presented to the Chief Probation Officer or the Chief, Pretrial Services sufficient reasons in writing why the carrying of the firearm is reasonably necessary:
 - a. In the performance of his or her general duties, or
 - b. In the performance of a specified assignment.
3. The permission of the Chief Probation Officer or the Chief Pretrial Service Officer has been granted in writing.
4. The Chief Judge of the District has been given actual notice in writing of the permission granted to carry a firearm, and has not objected within forty-eight hours of the notice.

B. Authorized Firearms

All firearms must be purchased by the probation or pretrial service officer or furnished by the Administrative Office of the United States Courts, and must be .38 Special or .357 Magnum revolvers with a cylinder capacity of up to eight rounds capable of firing approved service ammunition. No firearm may be carried by a probation or pretrial service officer on duty unless all requirements as set forth in this order have been met. A probation or pretrial service officer who has been authorized to carry a firearm is responsible for its care and maintenance whether the firearm is the property of the officer or the property of the United States.

C. Use of Firearm

A probation or pretrial service officer may use a firearm only in the exercise of his or her rights of self defense or to protect a fellow officer from death or grievous bodily harm in accordance with the law.

Except for transportation to and from a location in which an officer will perform official duties, the probation or pretrial service officer who has been authorized to carry a firearm may only carry or use a firearm in the course of the performance of the officer's official duties.

D. Security

The firearm must be secured under lock and key in a designated place at all times when not in the physical custody of the officer. At no time will the firearm be unattended or open to public display. When in use, the firearm will be carried in such a way so that it will not be visible to the public. It shall never be carried after the probation or pretrial service officer has consumed any alcoholic beverage. The firearm is not to be left in a vehicle while the officer is on duty, either in the field or the office. The officer shall keep the firearm safely secured any time the firearm is at the officer's residence.

E. Training

Probation and pretrial service officers of the Middle District of North Carolina shall not be granted permission to carry a firearm in the performance of their official duties unless they have completed the approved National and District firearms training programs and have qualified thereunder to carry a firearm. Requalifications will be required each six months after initial qualification. Probation and pretrial service officers who fail to qualify or requalify will be prohibited from carrying a firearm by the Chief Probation Officer or the Chief, Pretrial Services until they are qualified or requalified. Probation or pretrial service officers wishing to qualify shall be required to read and sign copies of the National and District firearms policies. The original, signed copy will be included in the probation or pretrial service officer's file. In the discretion of the Chief Probation Officer or the Chief, Pretrial Service, permission to carry a firearm may be withdrawn from any probation or pretrial service officer at any time.

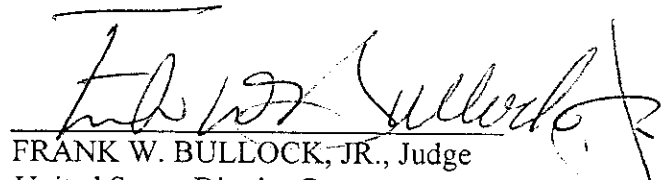
F. Report


At any time a firearm is discharged or displayed in the course of an officer's official duty, other than for training purposes, and at any time a firearm is lost or stolen, a written report relating the circumstances of the event must be filed with the Chief Probation Officer or Chief, Pretrial Services within 24 hours of the incident. The Chief Probation Officer or Chief, Pretrial Services shall forthwith send copies of any such reports to the Chief Judge of the District and the Director of the Administrative Office of the United States Courts.


It is ordered that this order shall remain in effect until revoked or modified by further order of this court.

This the 6 day of April, 2000.


M. CARLTON TILLEY, JR., Chief Judge
United States District Court


FRANK W. BULLOCK, JR., Judge
United States District Court


WILLIAM L. OSTEEN, SR., Judge
United States District Court


JAMES A. BEATY, JR., Judge
United States District Court

I have read and understand Standing Order number 17.

U. S. Probation or Pretrial Service Officer (Date)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DISCRETIONARY CARRYING OF
FIREARMS BY PROBATION OFFICERS

STANDING ORDER
NUMBER 17
(Modified)

This standing order supersedes Standing Order Number 17 (modified), signed and filed on July 30, 1991, and is published under the same Standing Order number.

The carrying of firearms by United States Probation Officers is authorized by 18 U.S.C. § 3603(9), subject to approval by the District Court and under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe. It is recognized that probation officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation officers have been the recipients of attempted assaults and threats, both real and implied. It is now, therefore, ordered that probation officers in the Middle District of North Carolina be authorized to carry firearms in connection with their official duties pursuant to 18 U.S.C. § 3603(9), regulations promulgated by the Director of the Administrative Office of the United States Courts, and additional policies of this district as noted in this order. Probation officers who have previously been authorized to carry firearms by this Court and the Chief Probation Officer are herein granted permission to carry a firearm pursuant to this order.

A. Standards for Authorization and Procedures for Obtaining Authority to Carry a Firearm

1. The probation officer has completed the National and District firearms training program for probation officers and has been qualified thereunder to carry a firearm.
2. The probation officer has presented to the Chief Probation Officer sufficient reasons in writing why the carrying of the firearm is reasonably necessary:
 - a. In the performance of his or her general duties, or
 - b. In the performance of a specified assignment.
3. The permission of the Chief Probation Officer has been granted in writing.
4. The Chief Judge of the District has been given actual notice in writing of the permission granted to carry a firearm, and has not objected within forty-eight hours of the notice.

B. Authorized Firearms

All firearms must be purchased by the probation officer or furnished by the Administrative Office of the United States Courts, and must be .38 Special or .357 Magnum revolvers with a cylinder capacity of up to eight rounds capable of firing approved service ammunition. No firearm may be carried by a probation officer on duty unless all requirements as set forth in this order have been met. A probation officer who has been authorized to carry a firearm is responsible for its care and maintenance whether the firearm is the property of the officer or the property of the United States.

C. Use of Firearm

A probation officer may use a firearm only in the exercise of his or her rights of self defense or to protect a fellow officer from death or grievous bodily harm in accordance with the law.

Except for transportation to and from a location in which an officer will perform official duties, the probation officer who has been authorized to carry a firearm may only carry or use a firearm in the course of the performance of the officer's official duties.

D. Security

The firearm must be secured under lock and key in a designated place at all times when not in the physical custody of the officer. At no time will the firearm be unattended or open to public display. When in use, the firearm will be carried in such a way so that it will not be visible to the public. It shall never be carried after the probation officer has consumed any alcoholic beverage. The firearm is not to be left in a vehicle while the officer is on duty, either in the field or the office. The officer shall keep the firearm safely secured any time the firearm is at the officer's residence.

E. Training

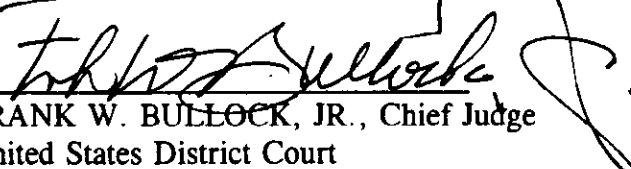
Probation officers of the Middle District of North Carolina shall not be granted permission to carry a firearm in the performance of their official duties unless they have completed the approved National and District firearms training programs and have qualified thereunder to carry a firearm. Requalifications will be required each six months after initial qualification. Probation officers who fail to qualify or requalify will be prohibited from carrying a firearm by the Chief Probation Officer until they are qualified or requalified. Probation officers wishing to qualify shall be required to read and sign copies of the National and District firearms policies. The original, signed copy will be included in the probation officer's file. In the discretion of the Chief Probation Officer, permission to carry a firearm may be withdrawn from any probation officer at any time.


F. Report

At any time a firearm is discharged or displayed in the course of an officer's official duty, other than for training purposes, and at any time a firearm is lost or stolen, a written report relating the circumstances of the event must be filed with the Chief Probation Officer within 24 hours of the incident. The Chief Probation Officer shall forthwith send copies of any such reports to the Chief Judge of the District and the Director of the Administrative Office of the United States Courts.

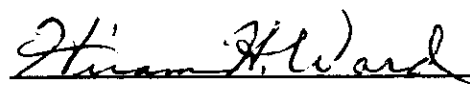
It is ordered that this order shall remain in effect until revoked or modified by further order of this court.

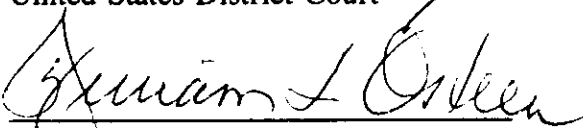
This the 7th day of July, 1997.

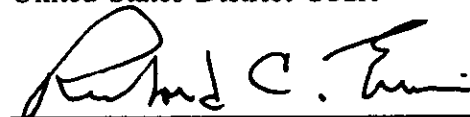

FRANK W. BULLOCK, JR., Chief Judge
United States District Court


JAMES A. BEATY, JR., Judge
United States District Court


N. CARLTON TILLEY, JR., Judge
United States District Court


HIRAM H. WARD, Senior Judge
United States District Court

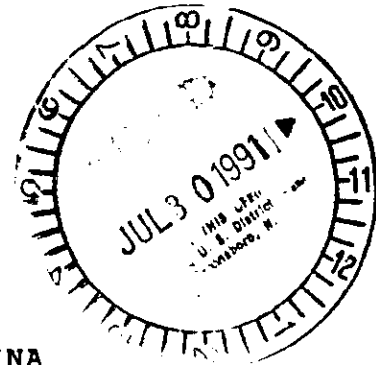

WILLIAM L. OSTEEN, SR., Judge
United States District Court


RICHARD C. ERWIN, Senior Judge
United States District Court

I have read and understand Standing Order number 17.

U.S. Probation Officer (Date)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DISCRETIONARY CARRYING OF)
FIREARMS BY PROBATION OFFICERS)

STANDING ORDER
NUMBER 17
(Modified)

The carrying of a firearm by U. S. Probation Officers is governed by the criteria promulgated in the reports of the proceedings of the Judicial Conference of the United States held in Washington, D. C. March 6 and 7, 1975, and September 25 and 26, 1975 and any subsequent Judicial Conference whereby official policy was promulgated. It is recognized that probation officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation officers have been the recipients of attempted assaults and threats, both real and implied. It is now, therefore, respectfully requested that probation officers in the Middle District of North Carolina be authorized to carry a firearm in connection with their official duties by complying with the policy of the Judicial Conference of the United States and with additional policy of this district as follows:

A. Standards for Authorization and Procedures for Obtaining
Authority to Carry a Firearm

1. The law of the State of North Carolina permits the carrying of firearms by Probation Officers. (Covered by G. S. 14-269)
2. The Probation Officer has presented to the Chief Probation Officer sufficient reasons in writing why the carrying of the firearm is reasonably necessary:
 - a. in the performance of his or her general duties, or
 - b. in the performance of duty in a specified assignment.
3. The permission of the Chief Probation Officer has been granted in writing.
4. The Chief Judge of the Court has been given actual notice in writing of the permission granted to carry a firearm, and has not objected within forty-eight hours of the notice.

B. Weapons

All weapons must be purchased by the USPO or furnished by the Administrative Office of the United States Courts, and must be compatible with .38 caliber ammunition. No weapon may be carried by a USPO on duty unless all requirements as set forth in this directive and the approved policy have been met. Ammunition must be standard issue.

C. Use of Firearm

Permission to carry a firearm may be granted only in accordance with the Judicial Conference Policy, and in this regard a Probation Officer may use a firearm only in the exercise of his or her rights of self-defense and in accordance with the law. No Probation Officer may use a firearm unless all other remedies at defusing a hostile situation have failed and the officer believes that:

1. The Probation Officer's life is in jeopardy;
2. The use of the firearm is immediately necessary to preserve the life of the Probation Officer; and
3. No other alternative will allow a safe retreat.

D. Security

The weapon must be secured under lock and key in a designated place at all times when not in the physical custody of the officer. At no time will the weapon be unattended or open to public display. When in use, the weapon will be carried in such a way so that it will not be visible to the public. It shall never be carried after USPO has consumed any alcoholic beverage. The weapon is not to be left in the vehicle while the officer is on duty either in the field or the office.

E. Training

Probation Officers of the Middle District of North Carolina shall not be granted permission to carry a firearm in the performance of their duties unless they have completed the approved District Firearms Training Program and have qualified thereunder to carry a firearm. Requalifications will be required on a six months basis after initial qualification. Probation Officers who fail to qualify or attend a make up required training session will be prohibited from carrying a firearm until re-certified or qualified. Probation Officers wishing to qualify shall be required to read and sign copies of the District Firearms Policy. The original will be included in the Probation Officer's file. In the discretion of the Chief Probation Officer, permission to carry a weapon may be withdrawn from any Probation Officer at any time.

F. Report


At any time a firearm is discharged or displayed in the course of an officer's official duty, other than for training purposes, a report must be filed with the CUSPO within 24 hours of the incident. Also, at any time a firearm is lost or stolen, the same reporting procedure must be followed. Copies of the report will be submitted to the Chief Judge and the Probation Division, Administrative Office of U. S. Courts.

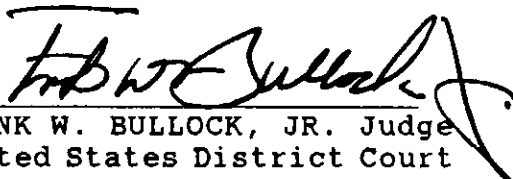
G. Understanding of Policy


All probation officers shall understand the District Firearms Policy and shall furnish a signed copy to the CUSPO acknowledging this understanding.

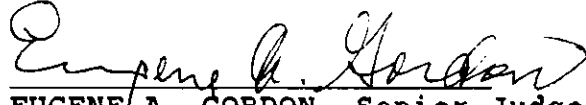
IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by further order of this Court.


This the 30th day of July, 1991.


RICHARD C. ERWIN, Chief Judge
United States District Court


FRANK W. BULLOCK, JR. Judge
United States District Court


N. CARLTON TILLEY, JR., Judge
United States District Court

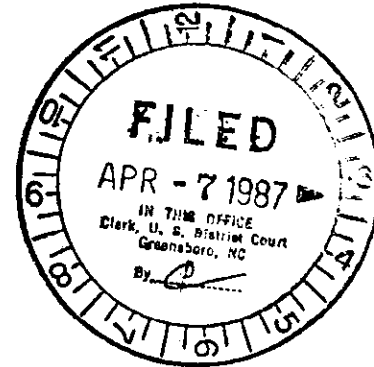

EUGENE A. GORDON, Senior Judge
United States District Court


HIRAM H. WARD, Senior Judge
United States District Court

I HAVE READ AND CLEARLY UNDERSTAND
STANDING ORDER NUMBER 17.

U. S. PROBATION OFFICER (Date)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DISCRETIONARY CARRYING OF :
FIREARMS BY PROBATION OFFICERS :

STANDING ORDER
NUMBER 17

The carrying of a firearm by U.S. Probation Officers is governed by the criteria promulgated in the reports of the proceedings of the Judicial Conference of the United States held in Washington, D.C. March 6 and 7, 1975, and September 25 and 26, 1975. It is recognized that probation officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation officers have been the recipients of threats, both real and implied.

IT IS, THEREFORE, ORDERED that probation officers in the Middle District of North Carolina be authorized to carry a firearm in connection with their official duties by complying with the policy of the Judicial Conference of the United States (attached) and with additional policy of this district as follows:

A. STANDARDS FOR AUTHORIZATION

Before requesting permission to carry a firearm, the U.S. U.S. Probation Officer must determine that a visit in a particular case may reasonably place his life in jeopardy. Indicants of this would be cases with known records of assaultive behavior; clients who have directly or indirectly

indirectly threatened the officer; clients who are unknown to the officer but who are resistive to treatment programs or conditions imposed; clients who reside in a high crime area; investigations in high crime incidence neighborhoods; investigations in isolated locations where there is an unknown factor; etc.

B. PROCEDURES FOR OBTAINING AUTHORITY TO CARRY A FIREARM

A written request will be submitted first to the SUSPO who will confer with the USPO. If the SUSPO approves, he will initial the request and forward to the CUSPO.

If approved by the CUSPO and SUSPO, the request will be forwarded to the Chief Judge. If the Chief Judge does not respond within 48 hours after receipt, the officer may carry the weapon for that visit and for future visits with the client until there is a change in the situation.

C. WEAPONS (Handgun Only)

All weapons must be purchased by the USPO and must be compatible with .38 caliber ammunition. No weapon may be carried by a USPO on duty unless all requirements as set forth in this directive and the approved policy have been met. Ammunition must be standard issue.

D. SECURITY

The weapon must be secured under lock and key in a place designated at all times when not in the physical custody of the officer. At no time will the weapon be unattended or open to public display. When in use, the weapon will be carried in such a way so that it will not be visible

to the public. It shall never be carried after USPO has consumed any alcoholic beverage.

E. TRAINING

Before carrying a weapon, each officer must successfully complete the district's prescribed course of training. The District's standards of training shall conform with standards promulgated by the Administrative Office, tailored specifically to the needs of probation and pretrial services officers. Any officer who does not successfully qualify or re-qualify will not be permitted to carry a firearm.

F. REPORT

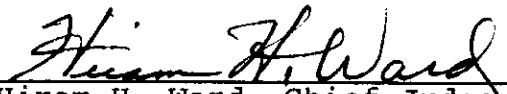
At any time a firearm is displayed in the course of an officer's official duty, other than for training purposes, a report must be filed with the CUSPO within 24 hours of the incident. Copies of the report will be submitted to the Chief Judge and the Probation Division, Administrative Office of the United States Courts.


G. UNDERSTANDING OF POLICY

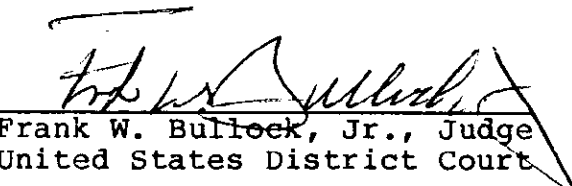
All probation officers shall understand the district firearms policy and shall furnish a signed copy to the CUSPO acknowledging this understanding.


IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by further order of this Court.

This the 7 day of April, 1987.


Hiram H. Ward, Chief Judge
United States District Court


Richard C. Erwin, Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


Eugene A. Gordon, Sr., Judge
United States District Court

JUDICIAL CONFERENCE
POLICY ON THE CARRYING
OF FIREARMS BY
U. S. PROBATION OFFICERS

The Probation Committee proposed guidelines in lieu of legislation at the March 1975 meeting. The preamble to those guidelines succinctly states the Judicial Conference position that is still in effect today:

It is the policy of the Judicial Conference of the United States that probation officers should not be permitted to carry firearms in the performance of their official duties unless an assignment, in the judgment of the chief probation officer or the district judge, subjects a probation officer to serious risk of physical harm and the services of a law enforcement officer in accompanying the probation officer would not be appropriate in the opinion of the chief probation officer. Such probation officer may be permitted to carry a firearm under these conditions:

I. A. The law of the state permits the carrying of a firearm by a probation officer.

B. The probation officer has obtained all necessary licenses or permits required for the carrying of firearms.

C. The probation officer has presented to the chief probation officer sufficient reasons in writing why the carrying of a firearm is reasonably necessary:

(1) in the performance of his duties generally, or

(2) in the performance of duty in a specified assignment.

D. The permission of the chief probation officer has been granted in writing.

E. The chief judge of the court has been given actual notice in writing of the permission granted to carry a firearm and he has not objected within 48 hours of the notice.

II. No probation officer shall be granted permission to carry a firearm in the performance of his duties unless he has completed an approved firearms training program and has qualified thereunder to carry a firearm.

III. A probation officer who has been granted permission to carry a firearm in the performance of his duties shall use the same only in the exercise of his rights of self-defense in accordance with law.

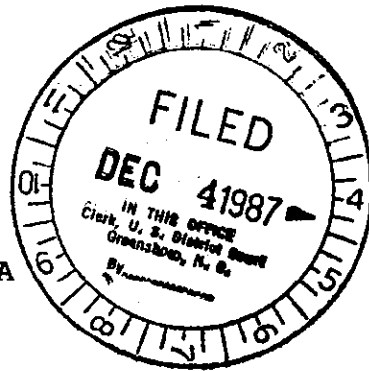
IV. A probation officer who discharges a firearm while in the performance of his duties shall file a report in writing with the chief probation officer within twenty-four (24) hours describing in detail the occasion on which, and the reason, he discharged the firearm.

V. The chief probation officer shall forthwith send copies of the report required under paragraph IV to the chief judge and the Administrative Office.

The Judicial Conference also approved expansion of these guidelines at the September 1975 meeting to include pretrial services officers.

(Source: David N. Adair, Jr. Assistant General Counsel, in a memorandum dated July 8, 1986, to James E. Packlin, Jr., Deputy Director; and 1975 Report of the Proceedings of the Judicial Conference of the United States)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA





DISCRETIONARY CARRYING OF)
FIREARMS BY PROBATION OFFICERS)

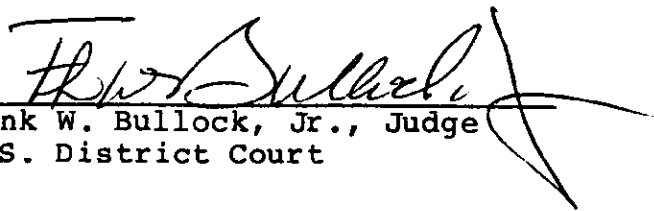
STANDING ORDER
NUMBER 18

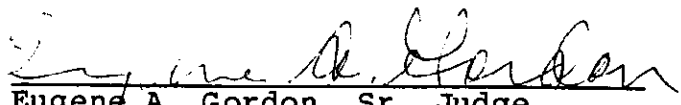
In further implementation of Section E, TRAINING, STANDING ORDER 17, entered April 7, 1987, the attached Firearms Training Course and Firearms Requalification Course are approved and adopted as the minimum training requirements which must be satisfactorily completed before a probation officer of this Court may carry a weapon.

This the 4th day of December, 1987.


Hiram H. Ward, Chief Judge
U. S. District Court


Richard C. Erwin, Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court


Eugene A. Gordon, Sr. Judge
U. S. District Court

FIREARMS TRAINING COURSE

U. S. PROBATION OFFICERS
MIDDLE DISTRICT OF NORTH CAROLINA

1. Introduction to Firearms Training and Judicial Conference Policy (1 hour)
2. Revolver and Ammunition Nomenclature (1 hour)
3. General Firearms Safety (3 hours)
 - A. Handling Firearms
 - B. While Carrying a Holstered Weapon
 - C. While Revolver is Drawn in Street Situation
 - D. Loading and Unloading
 - E. Uncocking a Cocked Revolver
 - F. Dry Firing
 - G. Weapon Cleaning
 - H. Security and Storage
4. Legal Issues/Civil Liability (1 hour)
5. Marksmanship Fundamentals (2 hours)
6. Range Safety
7. Familiarization and Proficiency Courses
 - A. Preliminary Double Action Proficiency Course (2 hours)
 - B. Hip Shooting Course (1 - 1-1/2 hours)
8. Revolver Care and Cleaning (2 hours)
9. Written Examination (1 hour)
10. Practice Firing (2 hours)
 - A. Hip Shooting Course
 - B. Double Action Course
11. Qualification Firing (2 hours)
 - A. Hip Shooting Course (50 rounds, 80% accuracy required)
 - B. Double Action Course (50 rounds, 80% accuracy required)
12. Revolver Care and Cleaning (1 hour) - Practical Exercise

FIREARMS REQUALIFICATION - MIDDLE DISTRICT OF NORTH CAROLINA

In order to insure safety, proficiency, and integrity pertaining to the District Firearms Policy, personnel will meet with the District Firearms Instructor on six-month intervals for firearms requalification. The purpose for requalification will be for weapon and holster inspections, dissemination of any new training material, re-execution of firearms safety rules, and to insure familiarization and proficiency in the use of firearms. Personnel will requalify using the most current approved courses of fire pursuant to the policy of the Probation Division of the Administrative Office of the United States Courts.

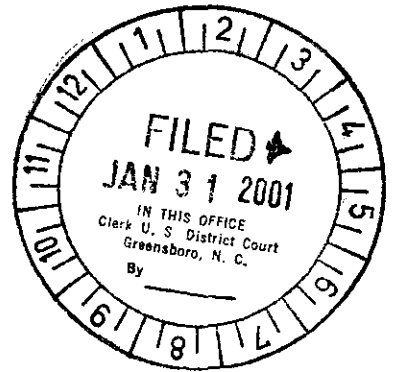
FIREARMS REQUALIFICATION COURSE (ONE DAY ONLY):

1. Classroom Training (2 hours) - any new training material and/or training modifications from the Administrative Office of the Courts will be discussed and disseminated to insure sound guidance, support and compliance of those carrying weapons.
2. Firearms Safety (30 minutes)
 - A. Re-execution of firearms safety rules
 - B. General firearms safety
 - C. Range safety
3. Weapon and Holster Inspection (30 minutes)
4. Practice Firing (30 minutes)
5. Qualification Firing (2 hours)
 - A. Hip shooting course
 - B. Double action course
6. Revolver Care and Cleaning (1 hour) - practical exercise.

Firearms Training Course
Page 2

Pursuant to the Probation Division of the Administrative Office and our own District Firearms Policy, all weapons must be purchased by the USPO and must be compatible with .38-caliber ammunition. Standard service issue will be .38-caliber 158-grain + P Lead Hollow Point ammunition. Probation Officers must qualify with the weapon that they carry. That is, you may not qualify with one weapon and then carry another in performance of your duties.

October 9, 1987



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:	CONDITIONS OF)	<u>STANDING ORDER</u>
	PROBATION AND)	<u>NUMBER 19</u>
	SUPERVISED RELEASE)	


This order supersedes Standing Order Number 19, dated October 26, 1995, and is published under the same standing order number.

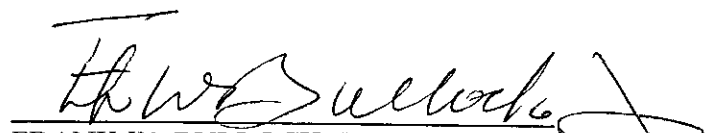
WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the standard conditions of probation and supervised release. Therefore, IT IS HEREBY ORDERED:

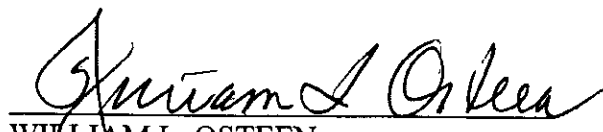
- (1) That the conditions listed in AO Form 245B (9/00), Judgment in a Criminal Case, adopted by the Judicial Conference of the United States at its September, 2000 session, which is incorporated herein and made a part hereof by reference, are hereby adopted as the standard conditions of probation and supervised release when terms of probation or supervised release are imposed by this Court in any criminal case.
- (2) That the Court may impose such special conditions of probation or supervised release as it deems necessary, which are reasonably related to the factors set forth in 18 U.S.C. § 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in 18 U.S.C. § 3553(a)(2);
- (3) That the breach of any of the conditions of probation and supervised release set forth in AO Form 245B (9/00) shall be sufficient reason for bringing the offender again before the Court for consideration of whether probation or supervised release should be revoked or the conditions otherwise modified;
- (4) That the Court reserves the authority to impose sentence at any time during the period of supervision for cause or reason shown, or to revoke, change or modify any conditions of probation or supervised release, or reduce or extend the period of probation and supervised release.

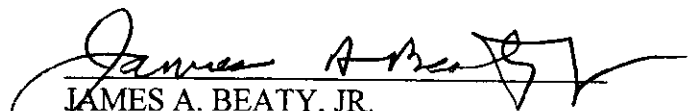
IT IS FURTHER ORDERED that this order shall apply to all persons sentenced to probation or supervised release on or after February 5, 2001, and that this order shall remain in effect until revoked or modified by further order of the Court.

This 31st day of January, 2001.

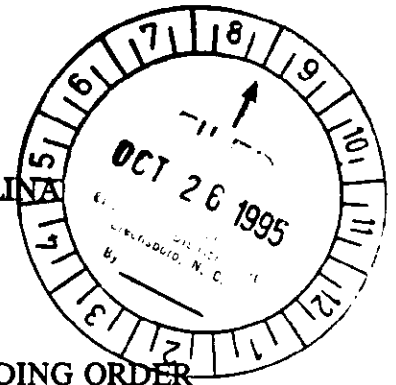

N. CARLTON TILLEY, JR., ~~Chief~~
United States District Judge


FRANK W. BULLOCK, JR.
United States District Judge


WILLIAM L. OSTEEN
United States District Judge


JAMES A. BEATY, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



IN RE: CONDITIONS OF)
 PROBATION AND)
 SUPERVISED RELEASE)

STANDING ORDER
NUMBER 19

This order supersedes Standing Order Number 19 dated January 25, 1995, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the standard conditions of probation and supervised release. Therefore, IT IS HEREBY ORDERED:

(1) That the conditions listed in AO Form 245B (3/95), Judgment in a Criminal Case, adopted by the Judicial Conference of the United States at its March, 1995 session, which is incorporated herein and made a part hereof by reference, are hereby adopted as the standard conditions of probation and supervised release when terms of probation or supervised release are imposed by this Court in any criminal case;

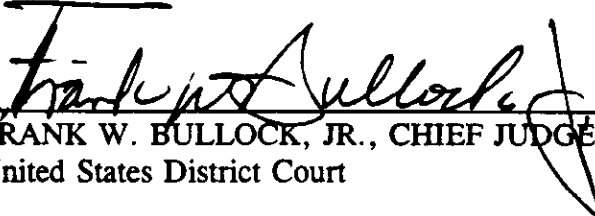
(2) That the Court may impose such special conditions of probation or supervised release as it deems necessary, which are reasonably related to the factors set forth in 18 U.S.C. § 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in 18 U.S.C. § 3553(a)(2);

(3) That the breach of any of the conditions of probation and supervised release set forth in AO Form 245B (3/95) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

(4) That the Court reserves the authority to impose sentence at any time during the period of supervision for cause or reason shown, or to revoke, change or modify any conditions of probation or supervised release, or reduce or extend the period of probation and supervised release.

IT IS FURTHER ORDERED that this order shall apply to all persons sentenced to probation or supervised release on or after August 1, 1995, and that this order shall remain in effect until revoked or modified by further order of the Court.

This 26th day of October, 1995.


FRANK W. BULLOCK, JR., CHIEF JUDGE
United States District Court


HIRAM H. WARD, SENIOR JUDGE
United States District Court


N. CARLTON TILLEY, JR., JUDGE
United States District Court


RICHARD C. ERWIN, SENIOR JUDGE
United States District Court


WILLIAM L. OSTEEN, SR., JUDGE
United States District Court


JAMES A. BEATY, JR., JUDGE
United States District Court

United States District Court

Middle District of North Carolina

UNITED STATES OF AMERICA
v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: _____

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
----------------------------	--------------------------	-------------------------------	------------------------

The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: _____

Defendant's Residence Address: _____

Date of Imposition of Judgment

Signature of Judicial Officer

Defendant's Mailing Address: _____

Name & Title of Judicial Officer

Date

DEFENDANT: _____

CASE NUMBER: _____

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of _____.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ a.m./p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

Deputy U.S. Marshal

DEFENDANT:

CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT:

CASE NUMBER:

PROBATION

The defendant is hereby placed on probation for a term of _____.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: _____

CASE NUMBER: _____

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ _____	\$ _____	\$ _____

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

☐ The determination of restitution is deferred in a case brought under Chapters 109A, 110, 110A and 113A of Title 18 for offenses committed on or after 09/13/1994, until _____. An Amended Judgment in a Criminal Case will be entered after such determination.

☐ The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>** Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>

Totals: \$ _____ \$ _____

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994.

DEFENDANT:

CASE NUMBER:

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☐ in full immediately; or
- B ☐ \$ _____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ not later than _____; or
- D ☐ in installments to commence _____ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ☐ in _____ (e.g. equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ year(s) to commence _____ day(s) after the date of this judgment.

The National Fine Center will credit the defendant for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States Courts National Fine Center, Administrative Office of the United States Courts, Washington, DC 20544, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If the National Fine Center is not operating in this district, all criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: _____

CASE NUMBER: _____

STATEMENT OF REASONS☐ The court adopts the factual findings and guideline application in the presentence report.**OR**☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): _____**Guideline Range Determined by the Court:**

Total Offense Level: _____

Criminal History Category: _____

Imprisonment Range: _____ to _____ months

Supervised Release Range: _____ to _____ years

Fine Range: \$ _____ to \$ _____

☐ Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ _____

- ☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).
- ☐ For offenses that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.
- ☐ Partial restitution is ordered for the following reason(s): _____

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.**OR**☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): _____**OR**☐ The sentence departs from the guideline range:☐ upon motion of the government, as a result of defendant's substantial assistance.☐ for the following specific reason(s): _____

DEFENDANT:

CASE NUMBER:

DENIAL OF FEDERAL BENEFITS

(For Offenses Committed On or After November 18, 1988)

FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 862(a)

IT IS ORDERED that the defendant shall be:

- ☐ ineligible for all federal benefits for a period of _____.
- ☐ ineligible for the following federal benefits for a period of _____.
- (specify benefit(s))

OR

- ☐ Having determined that this is the defendant's third or subsequent conviction for distribution of controlled substances,
- ☐ IT IS ORDERED that the defendant shall be permanently ineligible for all federal benefits.

FOR DRUG POSSESSORS PURSUANT TO 21 U.S.C. § 862(b)

IT IS ORDERED that the defendant shall be:

- ☒ ineligible for all federal benefits for a period of _____.
- ☐ ineligible for the following federal benefits for a period of _____.
- (specify benefit(s))

- ☐ successfully complete a drug testing and treatment program.
- ☐ perform community service, as specified in the probation and supervised release portion of this judgment.
- ☐ Having determined that this is the defendant's second or subsequent conviction for possession of a controlled substance, IT IS FURTHER ORDERED that the defendant shall complete any drug treatment program and community service specified in this judgment as a requirement for the reinstatement of eligibility for federal benefits.

Pursuant to 21 U.S.C. § 862(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility. The clerk of court is responsible for sending a copy of this page and the first page of this judgment to:

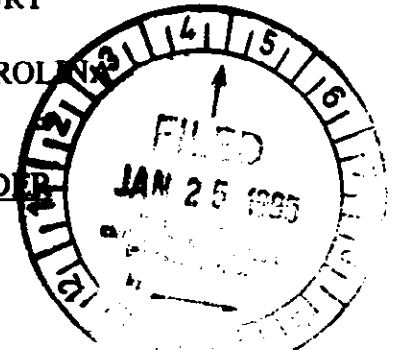
U.S. Department of Justice, Office of Justice Programs, Washington, DC 20531

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF
PROBATION AND
SUPERVISED RELEASE

)
)
)

STANDING ORDER
NUMBER 19



The following supersedes Standing Order Number 19 dated November 13, 1989, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the standard conditions of probation and supervised release. Therefore, IT IS HEREBY ORDERED:

(1) The conditions listed on Probation Form 7A (11/94), which is incorporated herein and made a part hereof by reference, are hereby adopted as the standard conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case;

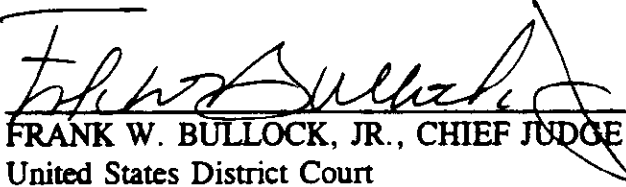
(2) In addition to the standard conditions of probation and supervised release specified in Probation Form 7A (11/94), the Court may impose such special conditions of supervision as it deems necessary, which are reasonably related to the factors set forth in 18 USC 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in 18 USC 3553(a)(2);

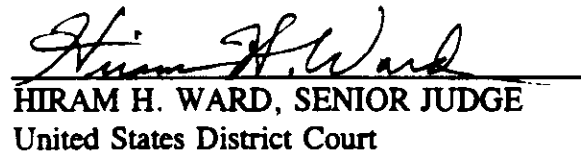
(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (11/94) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

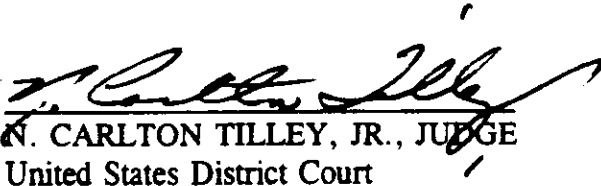
(4) The Court reserves the authority to impose sentence at any time during the period of supervision for cause or reason shown, or to revoke, change or modify any conditions of probation or supervised release, or reduce or extend the period of probation and supervised release.

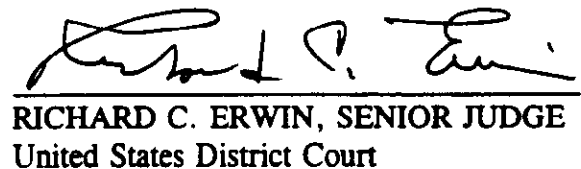
IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of the Court.

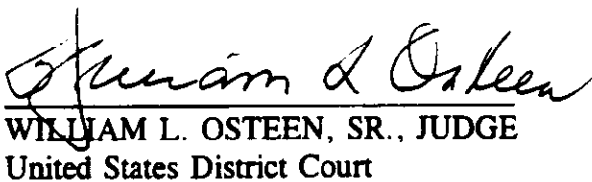
This 25th day of JANUARY, 1995.


FRANK W. BULLOCK, JR., CHIEF JUDGE
United States District Court


HIRAM H. WARD, SENIOR JUDGE
United States District Court


N. CARLTON TILLEY, JR., JUDGE
United States District Court


RICHARD C. ERWIN, SENIOR JUDGE
United States District Court


WILLIAM L. OSTEEN, SR., JUDGE
United States District Court


JAMES A. BEATY, JR., JUDGE
United States District Court

Conditions of Probation and Supervised Release

UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF NORTH CAROLINA

Name:
Address:

Docket No.:

Under the terms of your sentence, you have been placed on probation/supervised release by the Honorable _____, United States District Judge for the Middle District of North Carolina, at _____ on _____, for a period of _____ years.

Your total sentence is as follows:

It is the order of the Court that during your period of supervision, you shall comply with the following standard conditions:

- (1) You shall not commit another federal, state, or local crime. You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
- (2) You shall not possess a firearm or destructive device. Probation/Supervised Release must be revoked for possession of a firearm.
- (3) You shall not leave the judicial district without permission of the court or probation officer.
- (4) You shall report to the probation officer as directed by the court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- (5) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- (6) You shall support your dependents and meet other family responsibilities.

- (7) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- (8) You shall notify the probation officer at least 5 days before any change of residence or employment.
- (9) You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Revocation of probation and supervised release is mandatory for possession of a controlled substance.
- (10) You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- (11) You shall submit to urinalysis, or other forms of testing, for detection of unlawful use of controlled substances, as directed by the probation officer or as required by law. If the offense for which you are under supervision occurred after September 13, 1994, probation and supervised release must be revoked if you refuse to submit to testing for the unlawful use of controlled substances.
- (12) You shall not associate with persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- (13) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- (14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- (15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.

Special Conditions - Check if appropriate:

- [] As a special condition of supervision, you are instructed to pay a fine in the amount of _____, as directed by the probation officer; it shall be paid in the following manner:
- [] As a special condition of supervision, you are instructed to pay restitution in the amount of _____ to _____, as directed by the probation officer; it shall be paid in the following manner:

- [] As a special condition of supervision, you are instructed to perform _____ hours of community service work per year for each year of supervision, as directed by the probation officer. You shall pay any community service fee required, as directed by the probation officer.
- [] _____ As a special condition of supervision, you shall cooperatively participate in a substance abuse treatment program, which may include inpatient/residential treatment, as directed by the probation officer. During the course of treatment, you shall abstain from the use of alcoholic beverages.
- [] As a special condition of supervision, you shall cooperatively participate in a mental health treatment program, which may include inpatient/residential treatment, as directed by the probation officer.
- [] As a special condition of supervision, you shall abide by all conditions and terms of the home confinement program for a period not to exceed _____ consecutive days. At the direction of the probation officer, you shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. You shall pay for the electronic monitoring services as directed by the probation officer.
- [] The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

Other special conditions of supervision ordered by the court are as follows:

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

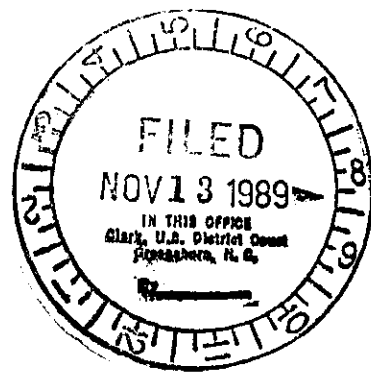
(Signed)

Defendant

Date

U. S. Probation Officer/Designated Witness

Date



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF
PROBATION AND
SUPERVISED RELEASE

)
)
)

STANDING ORDER
NUMBER 19

The following supersedes Standing Order Number 19 dated December 4, 1987, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the general conditions of probation and supervised release, IT IS HEREBY ORDERED:

(1) Probation Form 7A, dated (10/89), which is incorporated herein and made a part hereof by reference, is hereby adopted as the conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case. It is also a standard condition that the defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm;

(2) In addition to the general conditions of probation and supervised release specified in Probation Form 7A (10/89) imposed in criminal cases, the Court may impose such special conditions of supervision as it deems necessary, which are reasonably related to:

- (A) the nature and circumstances of the offense;
- (B) the history and characteristics of the offender;

(C) the need to deter further criminal conduct; and


(D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.


(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (10/89) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

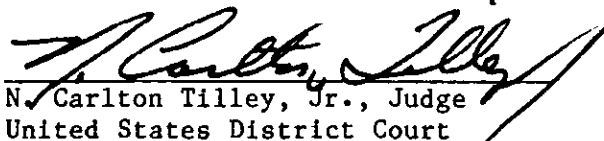
(4) The Court reserves the power to impose sentence at any time during the period of supervision for cause or reason shown or to revoke, change or modify any condition of probation or supervised release, or reduce or extend the period of probation and supervised release.

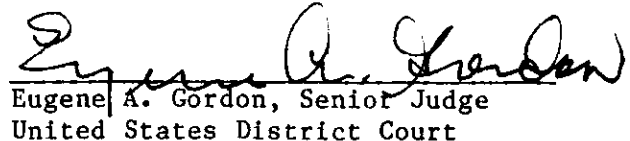
IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of this Court.


This the 13th day of November 1989.


Richard C. Erwin, Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court

Conditions of Probation and Supervised Release

UNITED STATES DISTRICT COURT

FOR THE

Name _____

Docket No. _____

Address _____

Under the terms of your sentence, you have been placed on probation/supervised release (strike one) by the Honorable _____, United States District Judge for the District of _____ . Your term of supervision is for a period of _____ , commencing _____ .

While on probation/supervised release (strike one), you shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance. Revocation of probation and supervised release is mandatory for possession of a controlled substance.

CHECK IF APPROPRIATE:

- ☐ As a condition of supervision, you are instructed to pay a fine in the amount of _____ ; it shall be paid in the following manner _____ .
- ☐ As a condition of supervision, you are instructed to pay restitution in the amount of _____ to _____ ; it shall be paid in the following manner _____ .
- ☒ The defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm.
- ☐ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall report in person to the probation office in the district of release within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that you shall comply with the following standard conditions:

- (1) You shall not leave the judicial district without permission of the court or probation officer;
- (2) You shall report to the probation officer as directed by the court or probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- (3) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

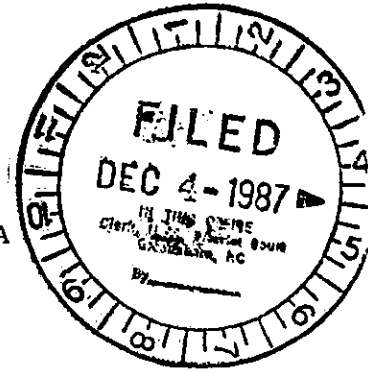
- (4) You shall support your dependents and meet other family responsibilities;
- (5) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) You shall notify the probation officer within seventy-two hours of any change in residence or employment;
- (7) You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- (8) You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (9) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- (10) You shall permit a probation officer to visit you at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- (11) You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- (12) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- (13) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- The special conditions ordered by the court are as follows:

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

(Signed) _____	_____
Defendant	Date
_____	_____
U.S. Probation Officer/Designated Witness	Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



IN RE: CONDITIONS OF)	<u>STANDING ORDER</u>
PROBATION AND)	<u>NUMBER 19</u>
SUPERVISED RELEASE)	

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the general conditions of probation and supervised release, IT IS HEREBY ORDERED:

(1) Probation Form 7A, dated (9-87), which is incorporated herein and made a part hereof by reference, is hereby adopted as the conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case;

(2) In addition to the general conditions of probation and supervised release specified in Probation Form 7A (9-87) imposed in criminal cases, the Court may impose such special conditions of supervised release as it deems necessary, including any condition that could be imposed as a condition of probation except the condition that the offender be placed in custody for intervals of time, which are reasonably related to:

- (A) the nature and circumstances of the offense;
- (B) the history and characteristics of the offender;

(C) the need to deter further criminal conduct;
and

(D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (9-87) shall be sufficient reason for revoking the order of probation and supervised release and bringing the probationer again before the Court for further judgment;

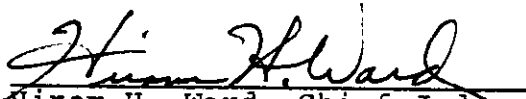
(4) The breach of any special conditions of probation and supervised release ordered by the Court shall likewise be sufficient reason for revoking the order of probation and supervised release and bringing the probationer again before the Court for further judgment;

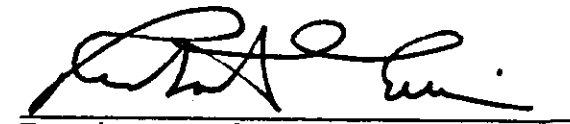
(5) The Court reserves the power to impose sentence at any time during the period of probation for cause or reason shown, or to revoke, change or modify any condition of probation or supervised release, or reduce or extend the period of probation and supervised release.

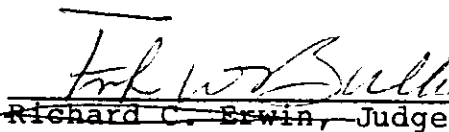
As a consequence of the foregoing, the order entered on the 12th day of January 1965, specifying the general conditions of probation, and standing order Number 15, IN RE: CONDITIONS OF SUPERVISED RELEASE, entered on the 3rd day of February, 1987 are REVOKED hereby.

IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of this Court.

This the 4th day of December, 1987.


Hiram H. Ward, Chief Judge
U. S. District Court


~~Frank W. Bullock, Jr., Judge~~
U. S. District Court


~~Richard C. Erwin, Judge~~
U. S. District Court


Eugene A. Gordon, Sr. Judge
U. S. District Court

Conditions of Probation and Supervised Release

UNITED STATES DISTRICT COURT

FOR THE

Name _____

Docket No. _____

Address _____

Under the terms of your sentence, you have been placed on probation/supervised release (strike one) by the Honorable _____, United States District Judge for the District of _____. Your term of supervision is for a period of _____, commencing _____.

CONDITIONS

It is the order of the Court that you shall comply with the following conditions:

- (1) You shall not commit another federal, state, or local crime during the term of supervision.
- (2) You shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer;
- (3) You shall report to the probation officer as directed by the court or probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- (4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (5) You shall support your dependents and meet other family responsibilities;
- (6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (7) You shall notify the probation officer within seventy-two hours of any change in residence or employment;
- (8) You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- (9) You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered, or other places specified by the court;
- (10) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- (11) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;

SEE REVERSE SIDE

(12) You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

(13) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

(14) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.

The special conditions ordered by the Court are as follows:

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

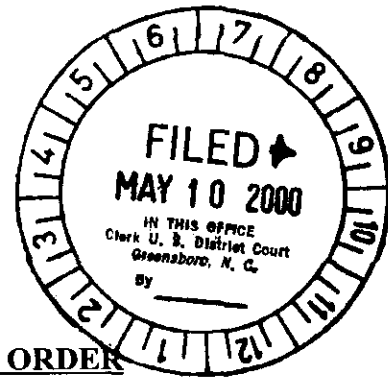
(Signed) _____
Defendant

Date

U.S. Probation Officer

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



**IMPLEMENTATION OF SENTENCING
PROCEDURES UNDER THE SENTENCING
REFORM ACT OF 1984**

**STANDING ORDER
NUMBER 20**

This order supersedes Standing Order Number 20 filed November 4, 1994, and is published under the same standing order number.

Whereas, to provide adequate time for the United States Probation Office to prepare the presentence investigation report, disclosure of the presentence investigation report to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the *sentencing guidelines* and this Order, it is hereby

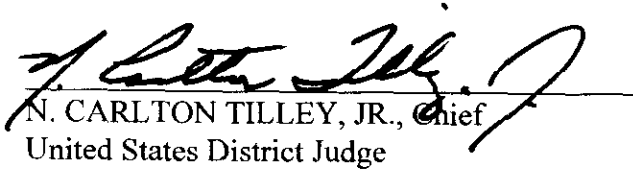
1. ORDERED and ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than 75 calendar days following a defendant's entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED and ADJUDGED that the presentence investigation report, including sentencing guideline computations, shall be completed and disclosed to the parties not less than 35 calendar days before the scheduled sentencing proceeding, unless the minimum period is waived by the Defendant. The presentence investigation report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered to the parties, (2) one day after the report's availability for inspection is orally communicated to the parties, or (3) three days after a copy of the report or notice of its availability is mailed to the parties. It is further
3. ORDERED and ADJUDGED that if a party reasonably disputes sentencing factors or material facts found in the presentence investigation report, or seeks the inclusion of additional factors or material facts, that party should notify the probation officer and the other party of such dispute, in writing, within 10 calendar days after disclosure of the presentence investigation report. It is the obligation of the complaining party to seek resolution of such factors or material facts through the probation officer prior to filing the pleading referenced in paragraph 4, *infra*. A conference among the probation officer and the parties is mandatory when factors or material facts are in dispute. Resolution of disputed factors or material facts should be resolved to the extent possible, and informal procedures, to include telephone conferences, for this resolution process are permissible. A party with no disputes or objections should file a statement with the United States Probation Office, articulating that position. It is further
4. ORDERED and ADJUDGED that within 20 calendar days after disclosure of the presentence investigation report, any party, Defendant and/or Government, having

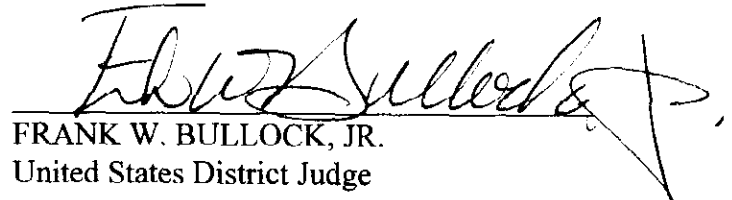
an unresolved dispute shall file a pleading entitled, "Position of Parties with Respect to Sentencing Factors", in accordance with Policy Statements 6A1.2 and 6A1.3 of the United States Sentencing Commission Guideline Manual or any subsequent rules issued by the United States Sentencing Commission. This pleading shall serve as a notice of any factor important to the sentencing determination that is reasonably in dispute. This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and the probation officer in a good faith effort to resolve the disputed matter(s). This pleading shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Officer and *Opposing counsel. The absence of a filing by either party, at this time, will be reported to the Court by the probation office and administratively handled by the United States Probation Office as no dispute.* It is further

5. ORDERED and ADJUDGED that not later than seven calendar days before the sentencing hearing, the United States Probation Office shall deliver to the Sentencing Judge the presentence investigation report, including sentencing guideline computations, together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence investigation report and the addendum to the Defendant, defense counsel, and the attorney for the Government. It is further
6. ORDERED and ADJUDGED that the presentence investigation report may be accepted by the Court as accurate if there are no unresolved factual disputes or objections. However, the Court, for good cause, may allow a new objection at any time prior to imposition of sentence. In resolving disputed facts, the Court may consider any reliable information presented by the Defendant, the Government or *the probation officer. At the sentencing hearing, the court must rule on any* unresolved objections to the presentence investigation report. For each matter controverted, the Court must make either a finding on the allegation or a determination that no finding is necessary because the controverted matter will not be taken into account in, or will not affect, sentencing. A written record of these findings and determinations must be appended to any copy of the presentence investigation report made available to the Bureau of Prisons. It is further
7. ORDERED and ADJUDGED that copies of the presentence investigation report having been duly disclosed, shall remain in the possession of the Defendant, defense counsel, and the attorney for the Government. All parties are admonished *to maintain the strict and essential standards of confidentiality. The report is to be maintained as a confidential court document. No further copies or dissemination of the report shall be made. Unauthorized copying or disclosure will be treated as an act of contempt and will be punished accordingly.*

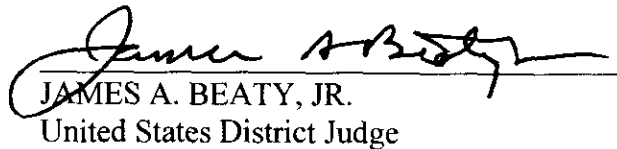
IT IS THEREFORE ORDERED that this Order modifies Standing Order Number 20, dated November 4, 1994, and shall remain in effect until revoked or again modified by further order of this Court.

This the 10th day of May, 2000.

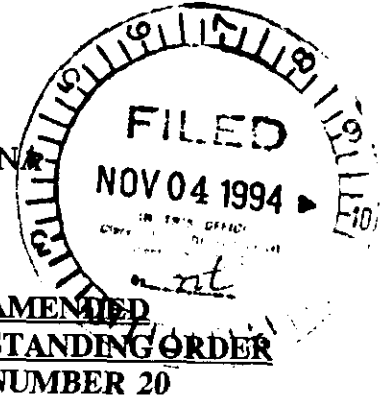

N. CARLTON TILLEY, JR., Chief
United States District Judge


FRANK W. BULLOCK, JR.
United States District Judge


WILLIAM L. OSTEEN
United States District Judge


JAMES A. BEATY, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



**IMPLEMENTATION OF SENTENCING
PROCEDURES UNDER THE SENTENCING
REFORM ACT OF 1984**

This order supercedes Standing Order Number 20 dated December 4, 1987, and modified May 31, 1991, and is published under the same standing order number.

WHEREAS, to provide adequate time for the United States Probation Office to prepare the presentence investigation report, disclosure of the presentence investigation report to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the sentencing guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than 75 calendar days following a defendant's entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED AND ADJUDGED that the presentence investigation report, less any sentencing recommendation made by the probation officer, but including sentencing guideline computations, shall be completed and disclosed to the parties not less than 35 calendar days before the scheduled sentencing proceeding, unless this minimum period is waived by the Defendant. The presentence investigation report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered to the parties, (2) one day after the report's availability for inspection is orally communicated to the parties, or (3) three days after a copy of the report or notice of its availability is mailed to the parties. It is further
3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or material facts found in the presentence investigation report, or seeks the inclusion of additional factors or material facts, that party should notify the probation officer and the other party of such dispute, in writing, within 10 calendar days after disclosure of the presentence investigation report. It is the obligation of the complaining party to seek resolution of such factors or material facts through the probation officer prior to filing the pleading referenced in paragraph 4, *infra*. A conference among the probation officer and the parties is mandatory when

factors or material facts are in dispute. Resolution of disputed factors or material facts should be resolved to the extent possible, and informal procedures, to include telephone conferences, for this resolution process are permissible. A party with no disputes or objections should file a *statement with the United States Probation Office*, articulating that position. It is further

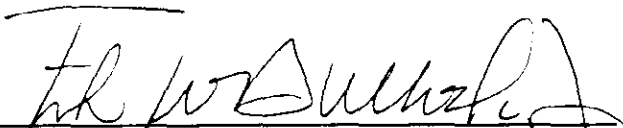
4. ORDERED AND ADJUDGED that within 20 calendar days after disclosure of the presentence investigation report, any party, Defendant and/or Government, having an unresolved dispute shall file a pleading entitled, "Position of Parties with Respect to Sentencing Factors", in accordance with Policy Statements 6A1.2 and 6A1.3 of the United States Sentencing Commission Guidelines Manual or any subsequent rules issued by the United States Sentencing Commission. This pleading shall serve as notice of any factor important to the sentencing determination that is reasonably in dispute. This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and the probation officer in a good faith effort to resolve the disputed matter(s). This pleading shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Officer and opposing counsel. The absence of a filing by either party at this time will be reported to the Court by the probation office and administratively handled by the United States Probation Office as no dispute. It is further
5. ORDERED AND ADJUDGED that not later than seven calendar days before the sentencing hearing, the United States Probation Office shall deliver to the Sentencing Judge the presentence investigation report, including sentencing guideline computations, together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence investigation report and the addendum to the Defendant, defense counsel, and the attorney for the Government. It is further
6. ORDERED AND ADJUDGED that the presentence investigation report may be accepted by the Court as accurate if there are no unresolved factual disputes or objections. However, the Court, for good cause, may allow a new objection at any time prior to imposition of sentence. *In resolving disputed facts, the Court may consider any reliable information presented by the Defendant, the*


Government or the probation officer. At the sentencing hearing, the Court must rule on any unresolved objections to the presentence investigation report. For each matter controverted, the Court must make either a finding on the allegation or a determination that no finding is necessary because the controverted matter will not be taken into account in, or will not affect, sentencing. A written record of these findings and determinations must be appended to any copy of the presentence investigation report made available to the Bureau of Prisons. It is further

7. ORDERED AND ADJUDGED that copies of the presentence investigation report having been duly disclosed shall remain in the possession of the Defendant, defense counsel, and the attorney for the Government. All parties are admonished to maintain the strict and essential standards of confidentiality. The report is to be maintained as a confidential court document. No further copies or dissemination of the report shall be made. Unauthorized copying or disclosure will be treated as an act of contempt and will be punished accordingly.

IT IS THEREFORE ORDERED that this Order modifies Standing Order Number 20, dated December 4, 1987, as modified May 31, 1991, and shall remain in effect until revoked or again modified by further order of this Court.

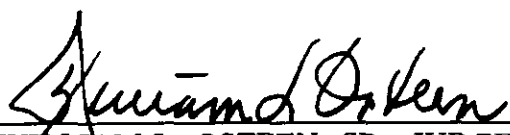
This the 4th day of Nov, 1994.



FRANK W. BULLOCK, JR., CHIEF JUDGE
United States District Court


EUGENE A. GORDON, SENIOR JUDGE
United States District Court

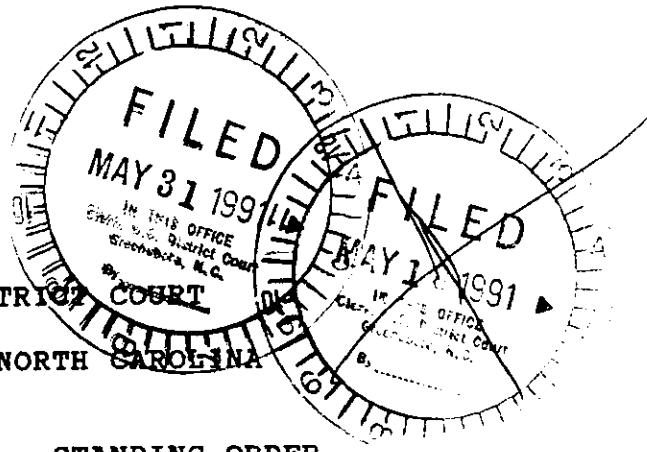

N. CARLTON TILLEY, JR., JUDGE
United States District Court


HIRAM H. WARD, SENIOR JUDGE
United States District Court


WILLIAM L. OSTEEN, SR., JUDGE
United States District Court


RICHARD C. ERWIN, SENIOR JUDGE
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



IMPLEMENTATION OF SENTENCING
PROCEDURES UNDER THE SENTENCING
REFORM ACT OF 1984

STANDING ORDER
NUMBER 20

WHEREAS, on the 4th day of December, 1987, an order was entered and filed as part of the minutes of the Court specifying the procedures for governing sentencing proceedings under the Sentencing Reform Act of 1984 and any subsequent amendments,

WHEREAS, to provide adequate time for the United States Probation Office's preparation of the presentence investigation report, disclosure of the presentence report to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the Sentencing Guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than sixty-five (65) calendar days following entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED AND ADJUDGED that the presentence investigation report, including guideline computations, shall be completed and disclosed to the parties at least twenty-five (25) calendar days prior to the scheduled sentencing proceeding, unless the minimum period is waived by the Defendant. This timetable contemplates that the presentence report will be completed and disclosed to the parties on or about the thirty-fifth (35) calendar day following the Defendant's adjudication of guilt. The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after a copy of the report or notice of its availability is mailed. It is further
3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or material facts, or seeks the inclusion of additional factors or material facts, that party should notify the Probation Officer of such dispute, in writing, within ten (10) days after disclosure of the presentence report. It is the obligation of the complaining party to seek resolution of such factors or material facts through the U. S. Probation Officer prior to filing the pleading referenced in paragraph 4, infra. A presentence conference is mandatory when factors or material facts are in dispute.

Resolution of disputed factors or material facts should be resolved -to the extent possible - through informal procedures, to include telephone conferences. It is further

4. ORDERED AND ADJUDGED that within twenty (20) calendar days after disclosure of the presentence report, any party, Defendant and/or Government, having an unresolved dispute shall file a pleading entitled "Position of Parties With Respect to Sentencing Factors", in accordance with 6A1.2 and 6A1.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987 and Nov. 1990) or any subsequent rules and policies issued by the United States Sentencing Commission. This filing shall serve as notice of any "factor important to the sentencing determination (that) ..is reasonably in dispute" This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and the U. S. Probation Officer in a good faith effort to resolve the disputed matter(s). The "Position With Respect to Sentencing Factors" shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Officer and opposing counsel. A party with no dispute or objection should file a statement with the U. S. Probation Office, articulating that position. The absence of a filing by either party at this time, will be reported to the Court by the U. S. Probation Officer and administratively handled by the Probation Office as no dispute. It is further

5. ORDERED that the United States Probation Office shall deliver to the Sentencing Judge the presentence report, including guideline computations, and an addendum, where applicable, reflecting any unresolved factual disputes or objections by any party. It is further

6. ORDERED AND ADJUDGED that the presentence report may then be accepted by the Court as accurate if there are no unresolved factual disputes or objections. However, the Court for good cause, may allow a new objection at any time prior to imposition of sentence. In resolving disputed facts, the Court may consider any reliable information presented by the Defendant, the Government or the Probation Officer. It is further Ordered that

7. When there are unresolved factors or material facts, the Sentencing Judge, at least three (3) days prior to sentencing will advise the parties, through the U. S. Probation Office as to the "tentative findings" in accordance with 6A1.2 and 6A1.3 of the Sentencing Guidelines and Policy Statements. It shall be the responsibility of the defense counsel and/or the prosecutor to contact the United States Probation Office to obtain copies of the tentative findings. It is further

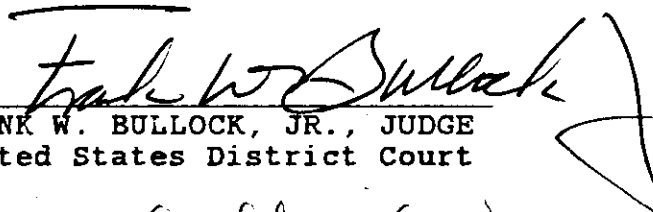
8. ORDERED AND ADJUDGED that copies of the presentence report having been duly disclosed shall remain in the possession of the Defendant/Counsel and the Prosecution. All parties are admonished to maintain the strict and essential standards of confidentiality. The document is to be maintained as a confidential court document. No further copies or dissemination of the report shall be made. Unauthorized copying or disclosure will be treated as an act of contempt and will be punished accordingly.

IT IS THEREFORE ORDERED that this Order modify Standing Order #20, dated December 4, 1987 and shall remain in effect until revoked or again modified by further order of this Court.

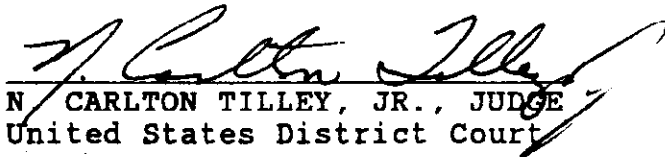
This the 31st day of May 1991.



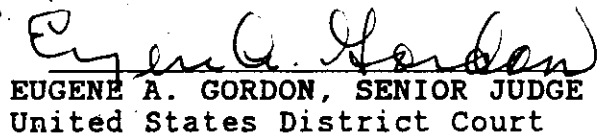
RICHARD C. ERWIN, Chief Judge
United States District Court



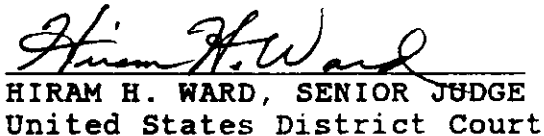
FRANK W. BULLOCK, JR., JUDGE
United States District Court



CARLTON TILLEY, JR., JUDGE
United States District Court

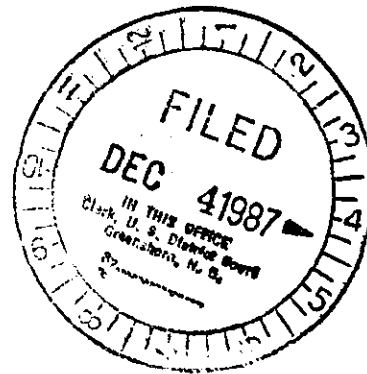


EUGENE A. GORDON, SENIOR JUDGE
United States District Court



HIRAM H. WARD, SENIOR JUDGE
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



IMPLEMENTATION OF SENTENCING)
PROCEDURES UNDER THE SENTENCING)
REFORM ACT OF 1984)

STANDING ORDER
NUMBER 20

Upon consideration of various alternative proposals, the following procedures are hereby established to govern sentencing proceedings under the Sentencing Reform Act of 1984.

WHEREAS, to provide adequate time for the United States Probation Office's preparation of the presentence investigation report (PSI), disclosure of the PSI to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the Sentencing Guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than sixty (60) days following entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED AND ADJUDGED that the presentence investigation report, including guideline computations, shall be completed and disclosed to the parties at least twenty-five (25) days prior to the scheduled sentencing proceeding, unless the minimum period is waived by the Defendant. This timetable contemplates that the PSI will be completed and disclosed to the parties at or before the thirty-fifth (35) day following the Defendant's adjudication of guilt. The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day

after the report's availability for inspection is orally communicated, or (3) three days after a copy of the report or notice of its availability is mailed. It is further

3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or facts material to sentencing, or seeks the inclusion of additional factors or facts material to sentencing in the PSI, that party should notify the Probation Officer of such dispute, in writing, within ten (10) days after disclosure of the presentence investigation report. It is the obligation of the complaining party to seek administrative resolution of such factors or facts through the United States Probation Office prior to filing the pleading referenced in paragraphs 4-5, infra. A presentence conference is mandatory except when sentencing factors or facts material to sentencing are not in dispute. Informal resolution of disputed factors or facts material to sentencing should be resolved - to the extent practicable - through informal procedures, including telephone conferences. It is further
4. ORDERED AND ADJUDGED that within fifteen (15) days after disclosure of the presentence investigation report to the parties, counsel for the Defendant and the Government shall file a pleading entitled, "Position of Parties With Respect to Sentencing Factors", in accordance with 6A1.2 of the Sentencing Guidelines and Policy Statements (Oct. 1987) or in accordance with subsequent rules and policies published by the United States Sentencing Commission. This filing will not be later than the fiftieth (50) day following the Defendant's adjudication of guilt. This pleading

shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and with the United States Probation Officer in a good faith effort to resolve the disputed matter(s). The "Position of Parties With Respect to Sentencing Factors" pleadings shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Office and opposing counsel on or before the fiftieth (50) day following the Defendant's adjudication of guilt. It is further

5. ORDERED AND ADJUDGED as part of the "Position of Parties With Respect to Sentencing Factors" pleading, the attorneys for the parties shall also file, if indicated in the particular case, notice of any "factor important to the sentencing determination (which) is reasonably in dispute" in accordance with 6A1.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987) or subsequent rules and policies published by the United States Sentencing Commission. It is further
6. ORDERED AND ADJUDGED that the United States Probation Office shall transmit to the Sentencing Judge the presentence investigation report, including guideline computations, and an addendum indicating any unresolved factual disputes or objections by the parties with respect to the application of the guidelines. It is further
7. ORDERED AND ADJUDGED that except with regard to any objection made under subdivision 4 or 5 that has not been resolved, the report of the presentence investigation may be accepted by the Court as

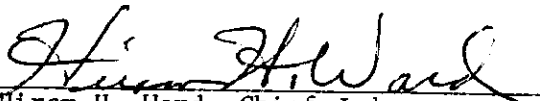
accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed facts, the Court may consider any reliable information presented by the Probation Officer, the Defendant, or the Government. It is further


8. ORDERED AND ADJUDGED that when there are disputed factors or facts, three (3) days prior to the scheduled sentencing proceeding, the Sentencing Judge will advise the parties, through the United States Probation Office as to its "tentative findings" under 6A1.2-.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987). It is the responsibility of the defense counsel and prosecutors to contact the United States Probation Office three (3) days prior to the scheduled proceeding in order to obtain copies of the Court's tentative findings regarding any disputed factors or facts. The Court will prescribe a form for Sentencing Judges to use in transmitting such notices and tentative findings to the United States Probation Office. It is further
9. ORDERED AND ADJUDGED that the aggrieved parties will have a reasonable opportunity in advance of sentencing to respond to the Sentencing Judge's notice of tentative findings regarding disputed factors or facts. The manner and form of such responses by the parties are subject to the informed discretion of each Sentencing Judge on a case by case basis. It is further
10. ORDERED AND ADJUDGED that all copies of the presentence investigation report provided to the parties shall be returned to the United States Probation Office after completion of the sentencing

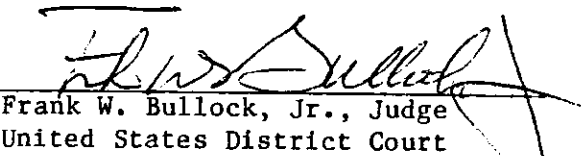
proceeding. No copies or any dissemination of the PSI, a confidential court document, or information contained therein shall be made. Unauthorized copying or disclosure will be an act in contempt of Court and will be punished accordingly.

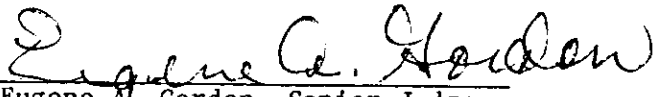
IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by further order of this Court.

This the 4th day of December, 1987.


Hiram H. Ward, Chief Judge
United States District Court


Richard C. Erwin, Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO.

UNITED STATES OF AMERICA)
)
Plaintiff,)
vs.)
)
)
Defendant(s))

NOTICE OF TENTATIVE FACTS AND
SENTENCING FACTORS TO BE RELIED
UPON BY THE DISTRICT JUDGE IN
IMPOSING SENTENCE

Pursuant to Standing Order _____, the Court hereby notifies the parties and the United States Probation Office as to the tentative facts and sentencing factors to be relied upon by the Court in imposing sentence.

1. The Defendant/Government has registered objections in accordance with procedures mandated by this Court with respect to the following disputed facts:

A. _____

B. _____

C. _____

D. _____

E. (Add additional sheets, if indicated).

2. Upon initial consideration of such objections, the Court will tentatively treat the objections in the following manner (Check appropriate box):

() A. The Court adopts the facts as stated
in the Presentence Investigation
Report.

() B. The Court adopts the position of the
complaining party as to:

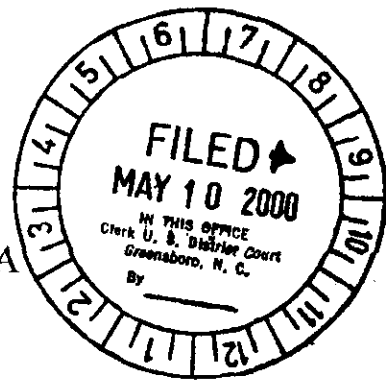
3. The parties are directed to confer with the United States Probation Office regarding this notice.

DONE AND ORDERED in Chambers this ____ day of _____,
19__.

UNITED STATES DISTRICT JUDGE

Copies furnished to:
Defense Counsel
Assistant United States Attorney
United States Probation Office

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



**CONFIDENTIALITY OF
PRESENTENCE INVESTIGATION
REPORTS**

**STANDING ORDER
NUMBER 21**


The following supersedes Standing Order Number 21 filed June 1, 1989, and is published under the same standing order number.

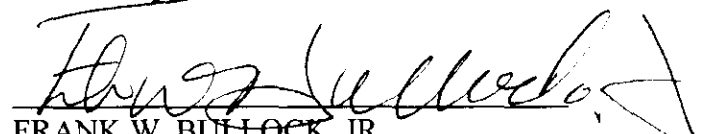
In order to provide for the effective administration of justice and preserve the confidentiality of presentence investigation reports provided to the Court, IT IS ORDERED that:


Presentence investigation reports prepared by the probation office and any response or objection thereto shall be filed under seal in the office of the Clerk of Court and shall be visible only to court personnel, attorneys of record in the particular case to which the report relates, and defendants to whom the particular report relates. Such records shall not be made available to the public.


In the event of an appeal, records relating to the presentence investigation report shall be transmitted to the United States Court of Appeals for the Fourth Circuit under seal, and it is requested that such records be accorded the same degree of confidentiality upon appeal as they are afforded in this District. The probation office shall, upon request, provide a copy of the report to counsel for the Defendant and the Government. The presentence investigation report shall enjoy the same confidentiality standards which are described in paragraph 7 of Standing Order Number 20.

This is the 10th day of May, 2000.


N. CARLTON TILLEY, JR., Chief
United States District Judge


FRANK W. BULLOCK, JR.
United States District Judge


WILLIAM L. OSTEEN
United States District Judge

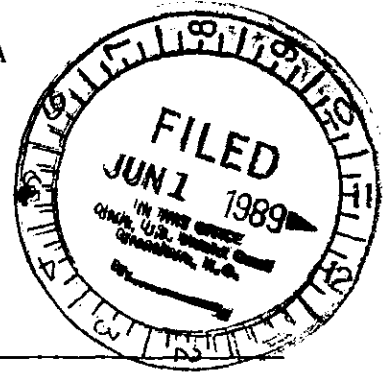

JAMES A. BEATY, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONFIDENTIALITY
OF PRESENTENCE
REPORTS

)
)
)

STANDING ORDER
NUMBER 21



The following supersedes Standing Order Number 21 dated March 29, 1988, and is published under the same standing order number.


In order to provide for the effective administration of justice and preserve the confidentiality of Probation Office recommendations to the Court, IT IS ORDERED that:


Presentence reports prepared by the Probation Office and any response or objection thereto shall be filed under seal in the office of the clerk of court and shall be visible only to court personnel, attorneys of record in the particular case to which the presentence report relates, and defendants to whom the particular presentence report relates. Such records shall not be made available to the public.


In the event of an appeal, records relating to the presentence report shall be transmitted to the United States Court of Appeals for the Fourth Circuit under seal and it is requested that such records be accorded the same degree of confidentiality upon appeal as they are afforded in this District. The Probation Office shall, upon request, provide a copy of the


presentence report to counsel for the defendant and the government. The presentence report shall enjoy the same confidentiality standards which are described in paragraph 10 of Standing Order Number 20 and shall be returned to the U. S. Probation Office immediately after a decision or final argument on appeal, whichever shall occur first.


This the 2nd day of July, 1989.

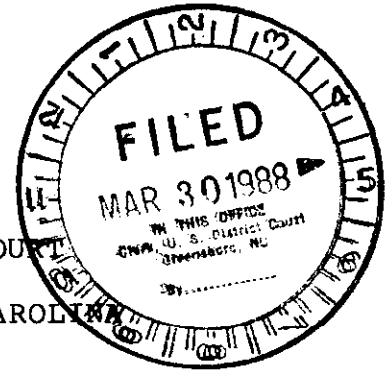

Richard C. Erwin, Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONFIDENTIALITY)
OF PRESENTENCE) STANDING ORDER
REPORTS) NUMBER 21

In order to provide for the effective administration of justice and preserve the confidentiality of Probation Office recommendations to the Court, **IT IS ORDERED** that:

Presentence reports prepared by the Probation Office and any response or objection thereto shall be filed under seal in the office of the clerk of court and shall be visible only to court personnel, attorneys of record in the particular case to which the presentence report relates, and defendants to whom the particular presentence report relates. Such records shall not be made available to the public. In the event of an appeal, records relating to the presentence report shall be transmitted to the United States Court of Appeals for the Fourth Circuit under seal and it is requested that such records be accorded the same degree of confidentiality upon appeal as they are afforded in this District.

This the 29th day of March, 1988.

Hiram H. Ward
Hiram H. Ward, Chief Judge
United States District Court

Richard C. Erwin
Richard C. Erwin, Judge
United States District Court

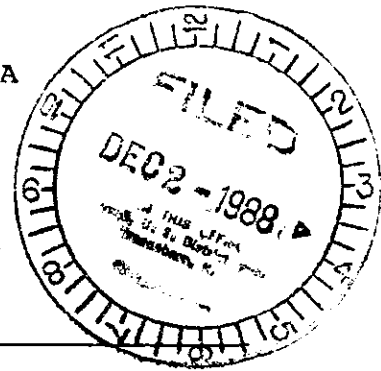
Frank W. Bullock, Jr.
Frank W. Bullock, Jr., Judge
United States District Court

Eugene A. Gordon
Eugene A. Gordon, Sr. Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: COURT SECURITY)
)
)


STANDING ORDER
NUMBER 22




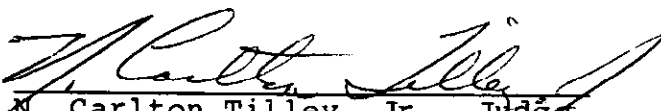
In order to provide for the effective administration of justice and the security of this Court, IT IS ORDERED that:


Firearms, or weapons, or any device that may be used as a weapon are prohibited in any courtroom in this District: except those possessed by a member or employee of the United States Marshal's Service; or those possessed by a credentialed law enforcement officer or agent of the United States with the express prior approval, on a case by case basis, of the United States Marshal or his designee.

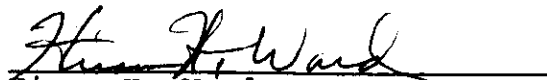
This the 2nd day of December 1988.


Richard C. Erwin, Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court

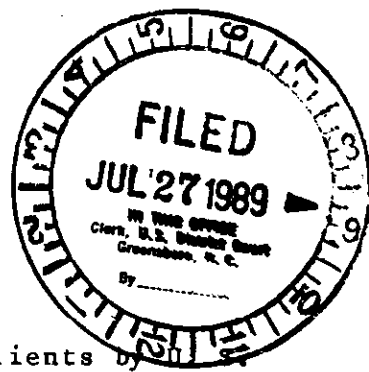

Eugene A. Gordon, Sr. Judge
United States District Court


Hiram H. Ward, Sr. Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: U. S. PROBATION
OFFICER'S SUPERVISION
OF HIV CLIENTS

STANDING ORDER
NUMBER 23



In order to provide for the effective supervision of clients by Probation Officers and specifically to provide guidance to probation officers who are supervising individuals on probation, bond supervision, parole, military parole, and supervised release, who are known to have tested positive for antibody exposure to the Human Immunodeficiency Virus (HIV) or who have developed symptomatic HIV disease, including Acquired Immune Deficiency Syndrome (AIDS), IT IS ORDERED THAT:

The Probation Officer shall, if possible, first attempt to have the supervisee give informed written consent authorizing the release of information about HIV infection to the U. S. Marshal, residential facilities, halfway houses, and jails. In the absence of such written consent, this information shall be disclosed to the U. S. Marshal when a violator's warrant is issued and to the health care provider and/or supervisor of the halfway house or jail facility when the supervisee is placed in their custody.

This the 27th day of July, 1989.

Richard C. Erwin
Chief Judge
United States District Court

Frank W. Bullock, Jr.
Judge
United States District Court

N. Carlton Tilley, Jr.
Judge
United States District Court

Eugene A. Gordon
Senior Judge
United States District Court

Hiram H. Ward
Senior Judge
United States District Court

States have made it a crime to knowingly spread AIDS and Congress is considering making this a Federal crime.

To date the Committee is not aware of any jurisdiction which has imposed an affirmative duty on a probation officer to make third-party disclosures. In fact, some jurisdictions whose precedent suggests that such a duty might be imposed have actually prohibited non-consensual third-party disclosure. See, e.g., *Tarasoff*, 551 P.2d at 334 and Cal. Health and Safety Code § 199.21. But, see also Cal. Health and Safety Code § 199.25, which permits a physician to make a non-consensual disclosure to the spouse of a patient with HIV infection. In addition, some States which impose criminal liability for knowingly spreading HIV infection also impose civil and criminal penalties for making a non-consensual disclosure that an individual has HIV or AIDS. See Fla. Stat. § 384.24 and § 384.29, Idaho Code § 39-601 and § 39-606.

In summary, it seems impossible to devise a uniform procedure regarding third-party warnings that respects State public health laws because of the variations in State laws. For the reasons articulated in this comment, the Committee believes that on balance a policy of limited disclosure is advisable. However, as the law in this area evolves, this provision may need to be reconsidered. Moreover, the importance of assessing and following State law in this area cannot be stressed enough.

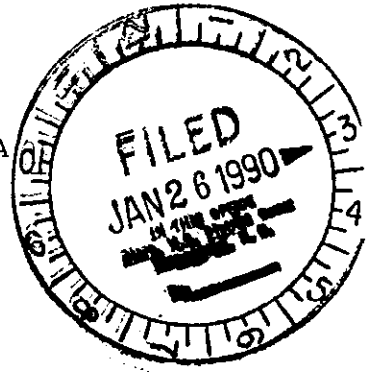
5. In all cases, the officer should first attempt to have the supervisee give informed, written consent authorizing the release of information about HIV infection to the U.S. Marshal, residential facilities, halfway houses and jails. In the absence of such written consent, this information should be disclosed to the U.S. Marshal when a violator's warrant is issued and to the health care provider and/or supervisor of the halfway house or jail facility when the supervisee is placed in their custody.

COMMENT

This provision is consistent with § 2.38-04(h) of the Parole Commission's instructions and reflects the concern that arresting officers and custodial officers should be aware of the potential risk of exposure to HIV infection. It also assists the custodial officers in responding to any medical needs of individuals in their custody.

6. When information concerning an individual's HIV antibody test result or information concerning a diagnosis of HIV infection is disclosed to the officer by a third party or by the client, the officer should seek the written, informed consent of the client before

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CONDITIONS OF)
HOME DETENTION)

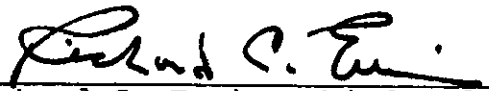
STANDING ORDER
NUMBER 24

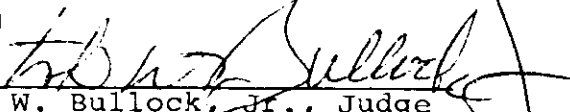
WHEREAS, home detention may be imposed as a condition of probation or supervised release as a substitute for imprisonment pursuant to 5F1.1 of the Guidelines Manual of the United States Sentencing Commission and 5C1.1(c) and (d) of the Manual provide two instances where the substitution of home detention for imprisonment may be appropriate, and


WHEREAS, the use of this alternative would be one way of conserving the limited resource of prison and jail space, it is hereby ordered that the attached form entitled Conditions of Home Detention, United States District Court for the Middle District of North Carolina, dated January 1990, be adopted as the standard conditions of home detention for this Court.

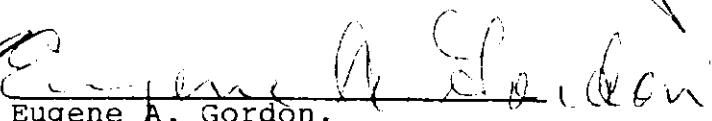
It is further ordered that this Order shall remain in effect until revoked or modified by further order of this Court.

This the 26th day of JANUARY, 1990.


Richard C. Erwin, Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


Eugene A. Gordon,
Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Name: _____ Docket No. _____

Address: _____

CONDITIONS OF HOME DETENTION

The United States District Court for the Middle District of North Carolina has ordered as a special condition of probation/supervised release that you be confined to your residence for a period of _____ months. This condition has been imposed as an alternative to incarceration, and you will be under the strict supervision of the United States Probation Office. Any absence from your residence, except as expressly permitted, must be approved in advance by your probation officer. Home detention rules and guidelines are as follows:

- 1) You are restricted to your home and lot except in case of medical emergency or as permitted to leave below;
- 2) You may leave your residence to work at an approved job, perform public service work as approved, or visit the probation office, but must take a direct route with no side trips unless authorized;
- 3) You may leave your residence for non-emergency medical and dental treatment upon notification to the probation officer;
- 4) You may attend religious services and other related functions subject to the approval of your probation officer;
- 5) You may leave your residence to take care of family business if no other family member is available for such purpose, with the approval of the probation officer;
- 6) You may have visitors, but must log all non-family visitors and submit such to the probation officer each Monday;
- 7) You must maintain a daily log of your activities and submit such to the probation officer each Monday;
- 8) You must report in person to the probation office every two weeks unless excused by your probation officer;
- 9) You must call in to the probation office each workday, Monday through Friday;

- 10) The probation officer will make periodic visits and telephone calls to your residence at any time;
- 11) You are prohibited from having call-forwarding unless approved by your probation officer and may be required to produce telephone bills upon request.
- 12) You will also abide by all standard and additional special conditions of probation/supervised release as imposed by the Court.

The Court may modify these conditions at any time. Home detention should be considered an alternative to incarceration which has allowed you to remain with your family, continue employment, and stay within the friendly confines of your home. It is a serious matter and should be treated as such. Failure to abide by these rules will be reported to the Court and could expose you to a prison sentence.

I have read, or have had read to me, the aforementioned rules of home detention. I fully understand them and will abide by them.

(Signed)

Probationer/Releasee

Date

(Witnessed)

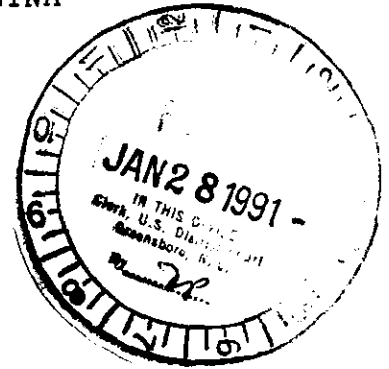
U. S. Probation Officer

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 25

IN RE: MINIMUM
REQUIREMENTS FOR
REPORTING VIOLATIONS
PROBATION AND
SUPERVISED RELEASE



Whereas effective November 1, 1990, the United States Sentencing Commission promulgated policy statements applicable to the revocation of probation and supervised release, in order to provide guidance while allowing for the identification of any substantive or procedural issues that require further review before specific revocation guidelines are established.

FOR GOOD CAUSE, appearing to the Court, and for the continuation of the orderly administration and supervision of probation and supervised release cases, IT IS NOW

Ordered that the Court establish certain minimum requirements for reporting violations of probation and supervised release consistent with the pertinent policy statements of the Sentencing Commission pursuant to 28 USC 994(a) and consistent with provisions set forth in 18 USC 3583 for supervised release, and in USC 3563 for probation; and further reasonably related to 18 USC 3553, as detailed in the accompanying attachment, and described in Standing Order 19 of this Court dated November 13, 1989.

IT IS FURTHER ORDERED:

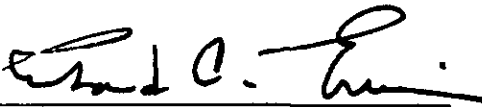
(a) That the breach of any of the conditions of probation and supervised release set forth in Standing Order 19 of this Court that meet the criteria now established in the attached policy for minimum standards shall be sufficient reason for revoking the order of probation and/or supervised release and bringing the offender again before the Court for further judgment.


(b) That the U. S. Sentencing Commission in its policy statement has set forth categorizations of violations for probation and supervised release in three (3) broad classifications A, B and C ranging from new felony conduct to less serious criminal conduct and technical violations. As such, the Court further directs that upon an affirmed allegation by a U. S. Probation Officer of a Grade A or B violation, such violation shall be promptly reported to the Court. A Grade C violation must also be promptly reported to the Court unless the Probation Officer makes an affirmative determination that the alleged violation meets the criteria for non-reporting within just cause and reasonability as denoted in the attached minimum requirements as determined by the probation office and this Court.

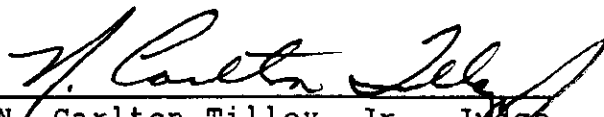
(c) In implementing these minimum requirements, it is ordered and adjudged that a violation report be furnished the defendant, his attorney, the U. S. Attorney and the Court at least 10 days prior to the revocation hearing. This timetable contemplates that the aggrieved as well as all other parties will have adequate time before sentencing to prepare for the hearing.

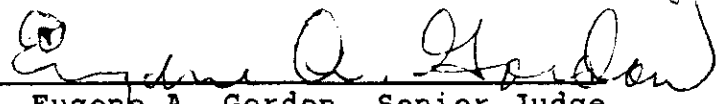
This Order shall remain in effect until revoked, but is subject to any modification by further order of the Court.

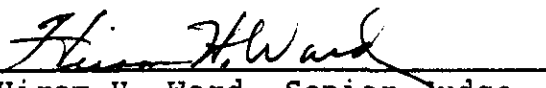
This the 28th day of ~~December~~, ^{January, 1991} 1990.


Richard C. Erwin, Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF NORTH CAROLINA

PROBATION OFFICE

WALTER BLACK, JR.
CHIEF PROBATION OFFICER

P.O. BOX 3327
GREENSBORO, N.C. 27402
(919) 333-5341

REPLY TO:

- () P.O. BOX 3327
GREENSBORO, N.C. 27402
- () P.O. BOX 106
DURHAM, N.C. 27702
- () P.O. BOX 1476
ROCKINGHAM, N.C. 28379
- () SUITE 140, YADKIN PLACE
202 N. LEE STREET
SALISBURY, N.C. 28144
- () SUITE 500 FEDERAL BUILDING
251 N. MAIN STREET
WINSTON-SALEM, N.C. 27101

December 20, 1990

The Honorable Richard C. Erwin, Chief Judge
United States District Court
251 North Main Street, Suite 223-A
Winston-Salem, North Carolina 27101

Dear Judge Erwin:

After careful deliberation and much consternation, we are presenting the attached documents as an interim plan for probation/supervised release supervision as a primary method to consider the recent U. S. Sentencing Commission policy statements. Please observe that the Commission issued only policy statements and as such they are not law and for the Court to be compliant, only judicial consideration of the policy statements is necessary before sentencing in a revocation matter.

Although there are small differences in probation and supervised release conditions, the Commission elected to develop a single set of policy statements for both. The Commission views the policy statements as the first step in an evolving process. Also, these policy statements should allow for greater flexibility in their initial application.

In our attempt to maintain a defined posture in the milieu of these ongoing changes, we have attempted to postulate a set of minimum standards to guide us in this evolutionary process. These standards are to help us absorb the impact of the policy statements and to some degree control our demands on the Court.

It is our feeling that these standards provide an encompassing aspect of our daily supervision needs. Presently, we use these standards in assessing our probation and parole clients and the policy statements are no more than an extension of our evaluative tools.

In the recently published policy statements, the Sentencing Commission directs that alleged Class A and B violators be promptly reported to the Court. Grade C violators are to be promptly reported unless the probation officer determines (1) that such violation is minor and not a part of a continuing pattern of violations and (2) non reporting will not present an undue risk to an individual or the public.

The Honorable Richard C. Erwin, Chief Judge
Page 2
December 20, 1990

The documents we are presenting to you are intended to give us a local policy in which we can operate. Hopefully, the Chief Probation Officer will reserve the responsibility of forwarding violations to the Court. The U. S. Probation Office will closely adhere to the criteria we are now presenting. The local criteria when combined with the Commission's policy recommendations will allow for the control of violation matters being constantly thrust upon the Court.

The proposed Standing Order is offered only as an interim measure to undergird our local criteria. Likewise, at the time specific guidelines are subsequently rendered by the Commission, we might only need to amend or update our Standing Order with only minor interruption.

Thanks for considering this proposal and should you need more details or information, please do not hesitate to contact us. We look forward to discussing this matter with you if necessary.

Sincerely,

Walter Black, Jr.
WALTER BLACK, JR.

Chief U. S. Probation Officer

WB/br

Attachments:

1. Proposed Standing Order (Draft)
2. Proposed Minimum Requirements
3. Format for Informal Violation Report

MIDDLE DISTRICT U. NORTH CAROLINA: Policy/Minimum requirements
for reporting violations

GRADE A VIOLATIONS - Mandatory report required:

Conduct constituting federal, state or local offense
punishable by a term of imprisonment exceeding twenty (20)
years. *violation*

Conduct constituting a federal, state or local offense
punishable by a term of imprisonment exceeding one (1) year
that (a) is a crime of violence, (b) is a controlled
substance, or (c) involves possession of a firearm or
destructive device described in 26USC5845(a).

GRADE B VIOLATIONS - Mandatory report required

Conduct constituting any other federal, state or local
offense punishable by a term of imprisonment exceeding one
year.

GRADE C VIOLATIONS - Mandatory report required:

1. Failure to report in person within ten (10) working days
of release from custody and whereabouts are unknown.
2. Arrest for any law violation (punishable by imprisonment
of one (1) year or less) if conduct involved violence,
firearms, controlled substances or DWI/DUI.
3. Absconder from supervision for more than 30 days.
4. Confirmed positive urinalysis.
5. Travel out of the District w/o authorization and failing
to return within fifteen (15) working days.
6. Restitution or fine in default.
7. Association with person(s) engaged in criminal activity
after being previously warned by PO.
8. Entering into an agreement to act as an informer or a
Special Agent of any law enforcement agency w/o
permission of the Court.
9. Failure to cooperatively participate in required CCC
program, or comply with court ordered sanctions of Home
Detention (to include electronic monitoring), or failure
to perform court ordered community service.

GRADE C VIOLATIONS - Mandatory report required if two (2) willful
violations occur within a six (6) month period:

GRADE C VIOLATION. (continued)

1. Failure to comply with requirements of court ordered substance abuse treatment program.
2. Failure to comply with requirements of court ordered mental health treatment program.
3. Failure to comply with any other Special Condition denoting risk control and/or correctional treatment.
4. Any violation of the law constituting a federal, state or local offense punishable by a term of imprisonment of 1 year or less (other than those offenses involving violence, firearms, possession of controlled substance or DWI/DUI).
5. Association with a felon w/o permission of PO, and after being previously warned.
6. Leaving the District w/o permission of PO.
7. Failure to submit a urine specimen upon demand.

GRADE C VIOLATIONS - Mandatory report required if three (3) willful violations within twelve (12) month period:

1. Failure to submit a truthful and complete written report within first ten (10) days of month.
2. Failure to report as directed.
3. Failure to notify PO within 72 hours of being arrested or questioned by a law enforcement officer.
4. Failure to notify PO within 72 hours of any change in residence or employment.
5. Failure to work at, and /or maintain suitable employment.
6. Failure to support legal dependents or manage other family responsibilities.
7. Excessive use of alcohol.

(a combination of three (3) or more of the above violations occurring within a 12 month period will mandate a report).

WDJR

VIOLATION REPORT

Name: _____

Judge: _____ Docket #: _____

Date Received: _____ Expiration Date: _____

NATURE OF VIOLATION(S) AND OFFICER'S EVIDENCE:

PREVIOUS VIOLATIONS REPORTED TO COURT:

Violation

☐ NONE

Date Reported

ACTION RECOMMENDED BY OFFICER:

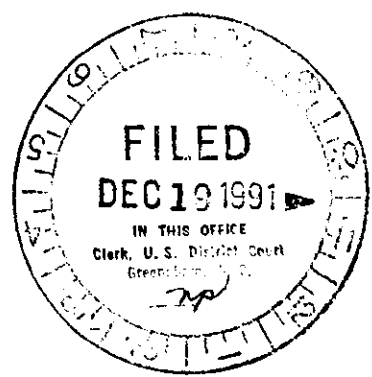
DECISION OF JUDGE: ☐ Agree with Officer's Recommendation

☐ Take Following Action:

USPO DATE

SUSPO DATE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA




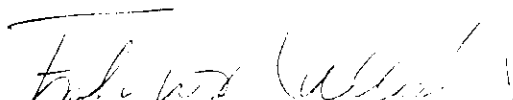
ADMISSION OF LAW
CLERKS

STANDING ORDER NO. 26


Upon the admission of a law clerk of a judge of this court to practice before this court, the fee for admission to practice is waived.

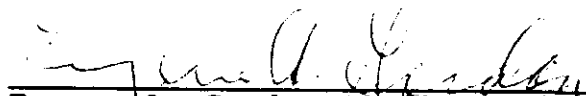
This 19th day of December, 1991.



Richard C. Erwin, Chief Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court


N. Carlton Tilley, Jr., Judge
U. S. District Court

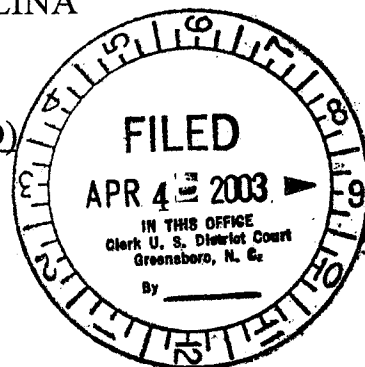

William L. Osteen, Sr., Judge
U. S. District Court


Eugene A. Gordon, Senior Judge
U. S. District Court


Hiram H. Ward, Senior Judge
U. S. District Court

IN THE MIDDLE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 27 (AMENDED)
IN THE MATTER OF TRANSCRIPT RATES



ORDER

Pursuant to the authorization of the Judicial Conference of the United States, at its September 2002 session, and the Executive Committee of the Judicial Conference, in its approval of the FY 2003 Spending Plan, and Volume VI, Chapter 20 of the *Guide to Judiciary Policies and Procedures*, and subject to the limitations of §IV.C.1. of the Court Reporter Management Plan for the Middle District of North Carolina, dated July 30, 1993, the attached Schedule of Maximum Transcript Rates is established:

Maximum Transcript Rates - All Parties Per Page

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Add'l Copy to the Same Party</u>
<u>Ordinary Transcript</u> A transcript to be delivered within thirty (30) calendar days after receipt of an order.	3.30	.83	.55
<u>Expedited Transcript</u> A transcript to be delivered within seven (7) calendar days after receipt of an order.	4.40	.83	.55
<u>Daily Transcript</u> A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.	5.50	1.10	.83

Hourly Transcript

A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.	6.60	1.10	.83
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Realtime Transcript

A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.	2.75	1.10	
--	------	------	--

Said maximum allowable transcript rates will apply to any government-paid transcripts, as well as transcripts paid for by private parties.

Transcripts may be sold in computer diskette form in ASCII format, or other format, requested by the ordering party and agreed to by the court reporter, whether they represent originals, first copies, or additional copies.

No additional charge is permitted for the cost of the diskette itself.

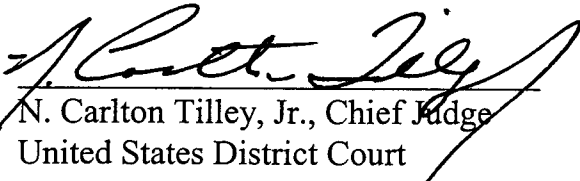
Each page of transcript sold on diskettes must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and diskettes may not contain any protection or programming codes that would prevent copying or transferring the data.

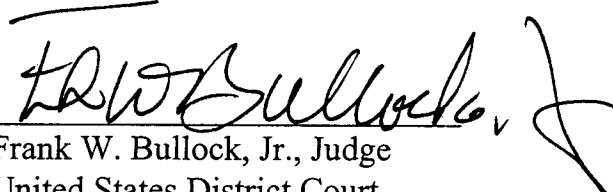
The transcript copy filed with the clerk of court pursuant to 28 USC § 753 (b) must be on paper; diskettes may be sold only if a paper copy is produced, certified, and filed with the clerk of court for the records of the court; and transcripts sold on diskettes must be identical to the paper transcripts filed with the clerk of court.

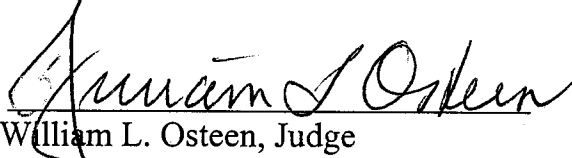
Court reporters who do not have CAT or suitable word processing equipment are not required to provide diskettes of transcripts to parties.

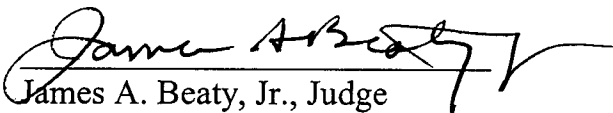
Court reporters must continue to produce paper originals and paper copies at the Judicial Conference rates when ordered by parties.

This 4th day of ~~March~~^{April}, 2003.


N. Carlton Tilley, Jr., Chief Judge
United States District Court

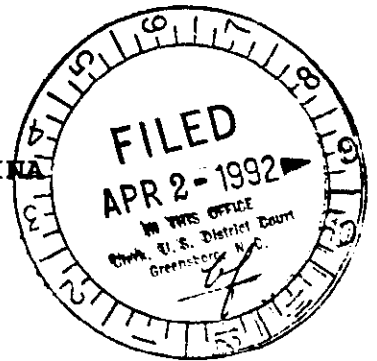

Frank W. Bullock, Jr., Judge
United States District Court


William L. Osteen, Judge
United States District Court


James A. Beaty, Jr., Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 27
IN THE MATTER OF TRANSCRIPT RATES



Pursuant to a resolution adopted by the Judicial Conference of the United States at its September 1990 session, the following maximum allowable transcript rates are approved and effective in this District as of April 15, 1992, and until such time as the fee structure is further reviewed by the Judicial Conference of the United States:

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Additional Copy to the Same Party</u>
Ordinary Transcript	\$3.00	\$.75	\$.50
Expedited Transcript	4.00	.75	.50
Daily Transcript	5.00	1.00	.75
Hourly Transcript	6.00	1.00	.75

Said maximum allowable transcript rates will apply to any government-paid transcripts, as well as transcripts paid for by private parties.

Transcripts may be sold in computer diskette form in ASCII format, or other format requested by the ordering party and agreed to by the court reporter, whether they represent originals, first copies, or additional copies.

No additional charge is permitted for the cost of the diskette itself.

Each page of transcript sold on diskettes must be formatted consistent with the Judicial Conference's approved transcript

format guidelines, and diskettes may not contain any protection or programming codes that would prevent copying or transferring the data.

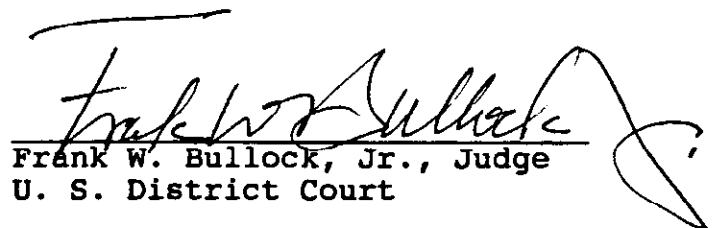
The transcript copy filed with the clerk of court pursuant to 28 USC § 753 (b) must be on paper; diskettes may be sold only if a paper copy is produced, certified, and filed with the clerk of court for the records of the court; and transcripts sold on diskettes must be identical to the paper transcripts filed with the clerk of court.

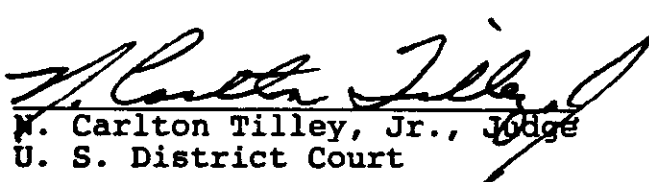
Court reporters who do not have CAT or suitable word processing equipment are not required to provide diskettes of transcripts to parties.

Court reporters must continue to produce paper originals and paper copies at the Judicial Conference rates when ordered by parties.

This 31 day of March, 1992.

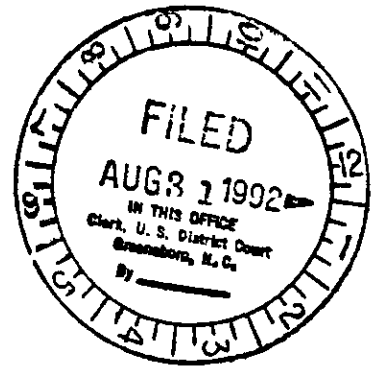

Richard C. Erwin, Chief Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court


N. Carlton Tilley, Jr., Judge
U. S. District Court


William L. Osteen, Sr., Judge
U. S. District Court

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA



Re:

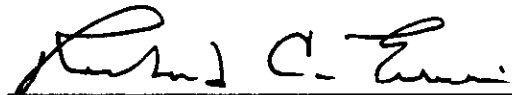
ENTRY OF JUDGMENTS AND	:	
INJUNCTIONS WHEN INTEGRATED	:	STANDING ORDER NO. 28
CASE MANAGEMENT SYSTEM (ICMS)	:	
IS DOWN	:	


If, during the time the ICMS docketing system is down (inoperable), a need arises for the entry of a judgment on the docket without further delay, the clerk's office will enter judgments on a manual (paper) docket and distribute copies to all parties as required.

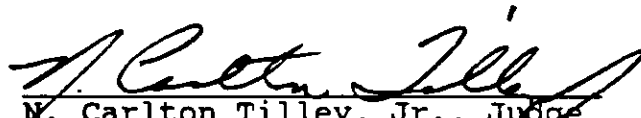
When ICMS is again usable, the manual docket entries shall be transferred to the system and the manual copy of the docket shall be filed on the left of the court file.

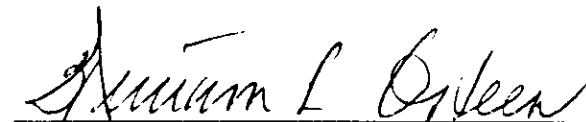
Upon the receipt of a temporary restraining order or a preliminary injunction order in the clerk's office, the order shall be immediately filed and docketed on a manual docket if ICMS is down. As soon as the automated system is operable, the entries shall be transferred to the automated system and the paper docket filed as set forth above.

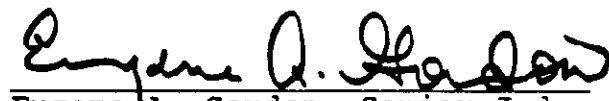
This the 31st day of August 1992.

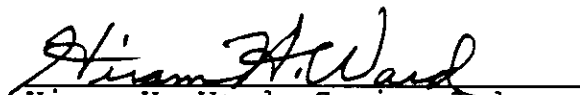

Richard C. Erwin, Chief Judge
U. S. District Court


Frank W. Bullock, Jr., Judge
U. S. District Court

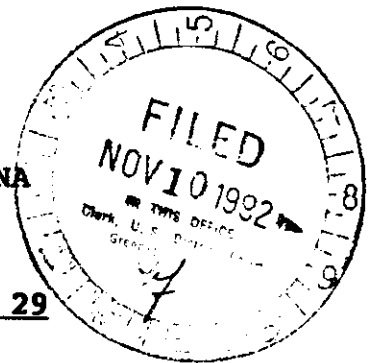

N. Carlton Tilley, Jr., Judge
U. S. District Court


William L. Osteen, Sr., Judge
U. S. District Court


Eugene A. Gordon, Senior Judge
U. S. District Court


Hiram H. Ward, Senior Judge
U. S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



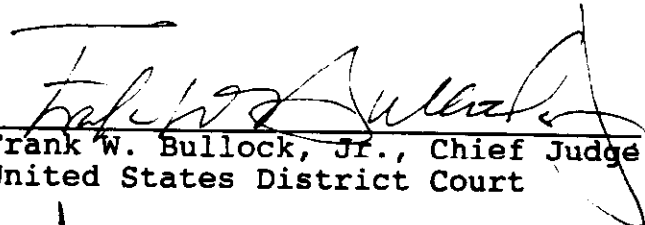
DESIGNATION OF NON-SMOKING
AREA IN COURTHOUSE

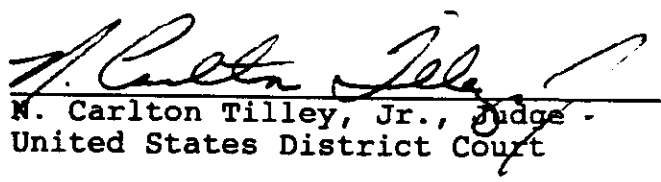
STANDING ORDER NO. 29

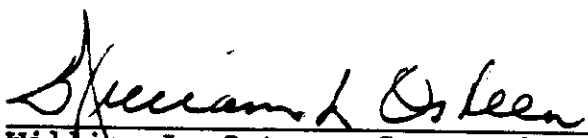
It appearing to the court that because of the general building design and the location of the courtroom and related facilities on the second floor of the United States Courthouse in Greensboro, North Carolina, smoking in the hallways and corridors is creating an unpleasant situation in the hallways, corridors, courtroom, and some adjoining rooms;


NOW, THEREFORE, in order to provide a more pleasant environment for persons using certain facilities on the second floor, IT IS ORDERED that smoking is PROHIBITED at all times in the hallways, corridors, and restroom facilities of the second floor of the United States Courthouse in Greensboro, North Carolina.

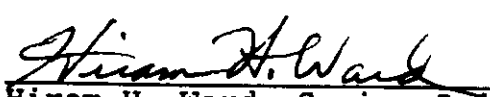
This the 10th day of November, 1992.

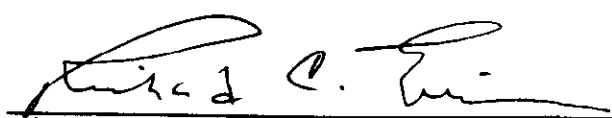

Frank W. Bullock, Jr., Chief Judge
United States District Court


M. Carlton Tilley, Jr., Judge
United States District Court

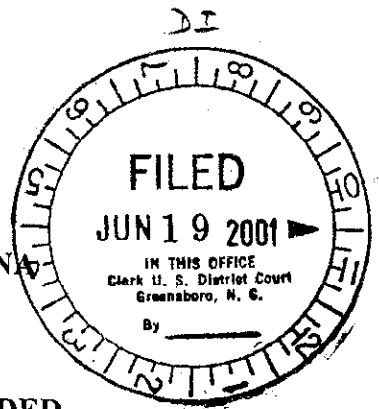

William L. Osteen, Sr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court


Richard C. Erwin, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RE: MODIFICATION OF
CIVIL CASE ASSIGNMENT
PLAN

)
)
)

AMENDED
STANDING ORDER NO. 30

In order to alleviate the backlog of civil cases, which has been created by the extremely heavy and time-consuming criminal docket of this court, and attain the objectives of the Civil Justice Reform Act of 1990 of reducing delays in the trial of civil cases, it is necessary to modify the Civil Case Assignment Plan of this district to more effectively benefit from the talents and abilities of the magistrate judges of this court in the disposition and trial of civil cases. Before making this modification, the district judges have found that Magistrate Judges Russell A. Eliason , P. Trevor Sharp and Wallace W. Dixon are experienced judicial officers who for over fifteen years have regularly handled civil cases from discovery through dispositive motions and trial. They are fully qualified to rule upon and try any civil case arising before this court. Accordingly:

1. Three cases out of each fourteen cases, excluding cases arising under 28 U.S.C. § 2255 and appeals from Bankruptcy Court, will be randomly assigned to the magistrate judges to conduct all proceedings, including the ultimate trial upon consent. Each magistrate judge will receive an equal distribution. A district judge will be paired with each case assigned to a magistrate judge at the time the case is initially assigned. The pairing of district judges in these cases will be rotated so that the same judge is not always paired with the same magistrate judge. The name of the district judge paired on a particular case will not be disclosed by the clerk's office.

2. The magistrate judge to whom the case is assigned will rule or make recommendations upon all motions, both non-dispositive and dispositive. If either party objects to a decision of the magistrate judge on a motion prior to trial in a case wherein consent has not been given, the objection will be ruled upon by the district judge paired with the magistrate judge. Subsequent motions in the case will be referred to the magistrate judge for ruling or recommendation.

3. When the issues are joined in these cases, the parties shall be given notice of this administrative assignment. The notice and forms sent to the parties shall inform them of their opportunity to consent to the trial jurisdiction of the magistrate judge and their duty to communicate their decision to the Clerk. The notice and forms shall be substantially in the form of the attachments to this Order.

4. The Clerk shall hold confidential the decisions of the parties on the issue of consent and shall not inform any district judge or magistrate judge of the parties' responses unless all parties consent, by affirmative response in the form of written consent.

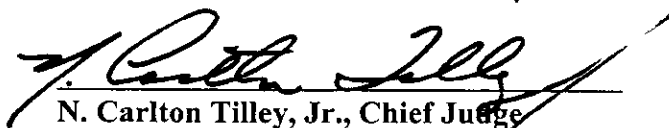
5. If all parties give written consent to the trial jurisdiction of a magistrate judge, the Clerk shall prepare for the Chief Judge an Order of Reference pursuant to 28 U.S.C. § 636(c). On entry of such an order, the Clerk shall file the responses that have been submitted by the parties.

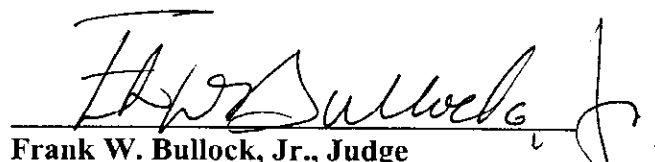
6. Appeal of a judgment entered by a magistrate judge will be to the Court of Appeals for the Fourth Circuit.

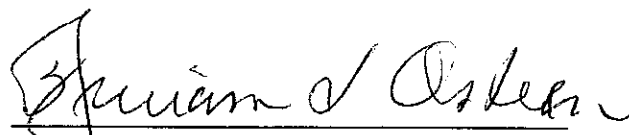
7. This rule shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of the court shall take any action that implies that the parties are not free to withhold consent without adverse substantive consequences.

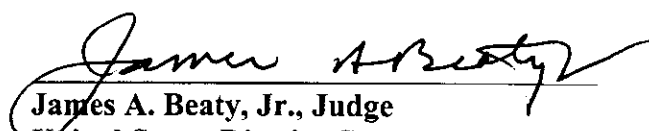
This order will be effective July 1, 2001.

This the 19th day of June, 2001.


N. Carlton Tilley, Jr., Chief Judge
United States District Court

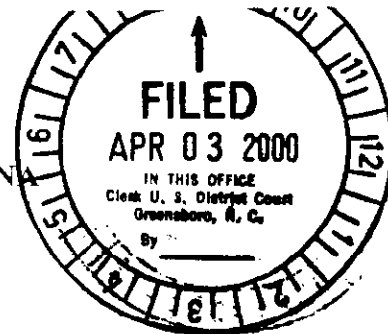

Frank W. Bullock, Jr., Judge
United States District Court


William L. Osteen, Sr., Judge
United States District Court


James A. Beaty, Jr., Judge
United States District Court

T.M.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RE: MODIFICATION OF
CIVIL CASE ASSIGNMENT
PLAN

)
)
)

STANDING ORDER NO. 30

In order to alleviate the backlog of civil cases, which has been created by the extremely heavy and time-consuming criminal docket of this court, and attain the objectives of the Civil Justice Reform Act of 1990 of reducing delays in the trial of civil cases, it is necessary to modify the Civil Case Assignment Plan of this district to more effectively benefit from the talents and abilities of the magistrate judges of this court in the disposition and trial of civil cases. Before making this modification, the district judges have found that Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over fifteen years have regularly handled civil cases from discovery through dispositive motions and trial. They are fully qualified to rule upon and try any civil case arising before this court. Accordingly:

1. One case out of each thirteen cases, excluding cases arising under 28 U.S.C. § 2255 and appeals from Bankruptcy Court, will be randomly assigned to each magistrate judge to conduct all proceedings, including the ultimate trial upon consent. A district judge will be paired with each case assigned to a magistrate judge at the time the case is initially assigned. The pairing of district judges in these cases will be rotated so that the same judge is not always paired with the same magistrate judge. The name of the district judge paired on a particular case will not be disclosed by the clerk's office.

2. The magistrate judge to whom the case is assigned will rule or make recommendations upon all motions, both non-dispositive and dispositive. If either party objects to a decision of the magistrate judge on a motion prior to trial in a case wherein consent has not been given, the objection will be ruled upon by the district judge paired with the magistrate judge. Subsequent motions in the case will be referred to the magistrate judge for ruling or recommendation.

3. When the issues are joined in these cases, the parties shall be given notice of this administrative assignment. The notice and forms sent to the parties shall inform them of their opportunity to consent to the trial jurisdiction of the magistrate judge and their duty to communicate their decision to the Clerk. The notice and forms shall be substantially in the form of the attachments to this Order.


4. The Clerk shall hold confidential the decisions of the parties on the issue of consent and shall not inform any district judge or magistrate judge of the parties' responses unless all parties consent, by affirmative response in the form of written consent.

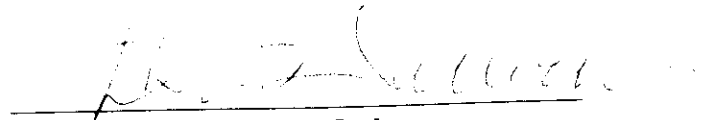
5. If all parties give written consent to the trial jurisdiction of a magistrate judge, the Clerk shall prepare for the Chief Judge an Order of Reference pursuant to 28 U.S.C. § 636(c). On entry of such an order, the Clerk shall file the responses that have been submitted by the parties.

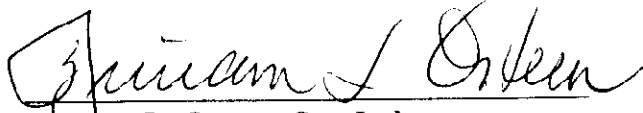
6. Appeal of a judgment entered by a magistrate judge will be to the Court of Appeals for the Fourth Circuit.

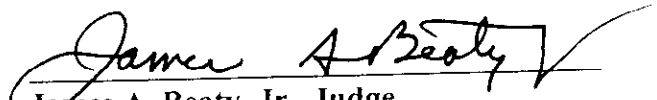
7. This rule shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of the court shall take any action that implies that the parties are not free to withhold consent without adverse substantive consequences.

This the 30 day of April, 2000.


N. Carlton Tilley, Jr., Chief Judge
United States District Court


Frank W. Bullock, Jr., Judge
United States District Court


William L. Osteen, Sr., Judge
United States District Court


James A. Beaty, Jr., Judge
United States District Court

Hiram H. Ward, Senior Judge
United States District Court

Richard C. Erwin, Senior Judge
United States District Court

Dear Counsel:

(2)

(3)

The above-entitled case has been randomly selected from the combined dockets of all district judges and administratively assigned to Magistrate Judge (4) to conduct all pretrial proceedings, including recommendation on dispositive motions. Because of the dramatic increase in the number of criminal cases in recent years, district judges have had to give priority to the criminal docket as required by law. Under these circumstances, your case can experience a significant delay, which can result in cost increases, before it can be tried by a district judge. Congress's enactment of the Civil Justice Reform Act has required the court to give increased attention to addressing costs and delays in resolving civil disputes. The Judicial Conference of the United States has encouraged the designation of magistrate judges to conduct all proceedings in civil cases, both jury and non-jury.

Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over fifteen years have regularly handled civil cases from discovery through dispositive motions and trial. Trial before a magistrate judge, in addition to an earlier trial date, will also enable the court to give counsel and the parties a special setting. Appeal from a judgment entered by a magistrate judge will be to the Court of Appeals for the Fourth Circuit.

If your client, after consultation with you, consents to the trial jurisdiction of the magistrate judge, please return the enclosed consent form to the Clerk's Office within thirty (30) days. Cases in which consent is not given will nevertheless be first considered by the magistrate judge, who will make rulings or recommendations on all motions, including dispositive ones. You are required by law to communicate your decision to the Clerk. 28 U.S.C. § 636(c)(2). Accordingly, the Clerk may contact you if you have not responded within 30 days.

Very truly yours,

N. Carlton Tilley, Jr.
Chief Judge

NCTjr:bb

Enclosure

**NOTICE OF RIGHT TO CONSENT TO THE
EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE**

In accordance with the provisions of Title 28 U.S.C. § 636(c), you are hereby notified that a United States magistrate judge of this district court is available to exercise the court's jurisdiction and to conduct any or all proceedings in this case including a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as any appeal from any other judgment of a district court.

Copies of the Form for the "Consent to Jurisdiction by a United States Magistrate Judge" are available from the clerk of court.

Form 33

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

)	
)	
Plaintiff,)	
)	
v.)	Docket No. _____
)	
)	
Defendant.)	

CONSENT TO JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28 U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter hereby voluntarily consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, entry of a final judgment, and ruling on post-judgment matters. An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as any appeal from any other judgment of a district court.

Date

Signature

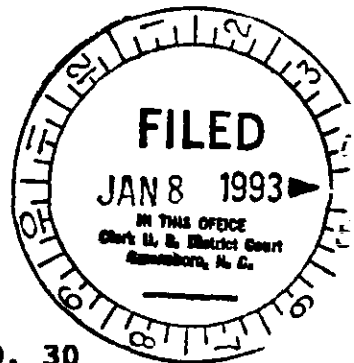
Date

Signature

NOTE: Return this form to the Clerk of the Court if you consent to magistrate judge. Do not send a copy of this form to any district judge or

*Form 38,
slightly
modified*

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RE: MODIFICATION OF
CIVIL CASE ASSIGNMENT
PLAN

)
)
)
STANDING ORDER NO. 30

In order to alleviate the backlog of civil cases, which has been created by the extremely heavy and time-consuming criminal docket of this court, and attain the objectives of the Civil Justice Reform Act of 1990 of reducing delays in the trial of civil cases, it is necessary to modify the Civil Case Assignment Plan of this district to more effectively benefit from the talents and abilities of the magistrate judges of this court in the disposition and trial of civil cases. Before making this modification the district judges have found that Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over ten years have regularly handled civil cases from discovery through dispositive motions and trial. They are fully qualified to rule upon and try any civil case arising before this court. Accordingly:

1. One case out of each thirteen cases, excluding cases arising under 28 U.S.C. 2255 and appeals from Bankruptcy Court, will be randomly assigned to each magistrate judge to conduct all proceedings, including the ultimate trial upon consent. A district judge will be paired with each case assigned to a magistrate judge at the time the case is initially assigned. The pairing of district judges in these cases will be rotated so that the same

judge is not always paired with the same magistrate judge. The name of the district judge paired on a particular case will not be disclosed by the clerk's office.

2. The magistrate judge to whom the case is assigned will rule or make recommendations upon all motions, both non-dispositive and dispositive. If either party objects to a decision of the magistrate judge on a motion prior to trial in a case wherein consent has not been given, the objection will be ruled upon by the district judge paired with the magistrate judge. Subsequent motions in the case will be referred to the magistrate judge for ruling or recommendation.

3. When the issues are joined in these cases, the parties shall be given notice of this administrative assignment. The notice and forms sent to the parties shall inform them of their opportunity to consent to the trial jurisdiction of the magistrate judge, their duty to communicate their decision to the Clerk, and the fact that a failure to respond timely will be deemed a consent to the magistrate judge's complete jurisdiction. The notice and forms shall be substantially in the form of the attachments to this Order.

4. The Clerk shall hold confidential the decisions of the parties on the issue of consent, and shall not inform any district judge or magistrate judge of the parties' responses unless all parties consent, by affirmative response or failure to respond.

5. If all parties consent to the trial jurisdiction of a magistrate judge, the Clerk shall prepare for the Chief Judge an Order of Reference pursuant to 28 U.S.C. § 636(c). On entry of

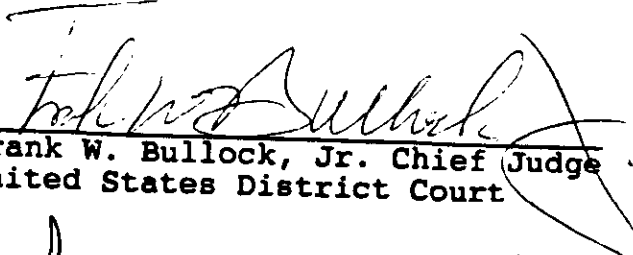
such an order, the Clerk shall file any responses that have been submitted by the parties.

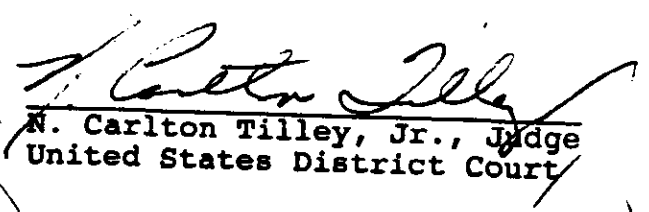
6. Appeal of a judgment entered by a magistrate judge will be to the Court of Appeals of the Fourth Circuit.

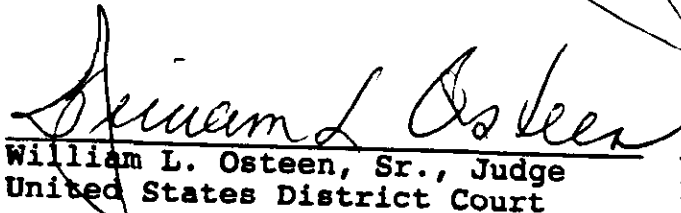
7. This rule shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of the court shall take any action that implies that the parties are not free to withhold consent without adverse substantive consequences.

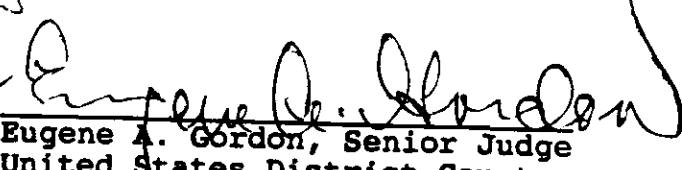
This modification of the Case Assignment Plan for this district will take effect JANUARY 14, 1993.

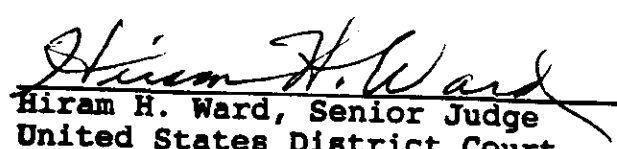
This the 6th day of JANUARY 1993.

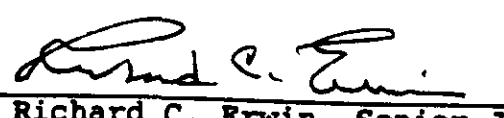

Frank W. Bullock, Jr. Chief Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


William L. Osteen, Sr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court


Richard C. Erwin, Senior Judge
United States District Court

United States District Court

Middle District of North Carolina

Post Office Box 3223

Greensboro, North Carolina 27402

_____, 1993

Frank W. Bullock, Jr.

Chief Judge

Dear Counsel:

RE: _____

v. _____

_____:93CV000____

The above-entitled case has been randomly selected and administratively assigned to Magistrate Judge _____ to conduct all proceedings, including the ultimate trial if necessary. Because of the dramatic increase in the number of criminal cases in recent years, district judges have had to give priority to the criminal docket as required by law. Under these circumstances your case can experience a significant delay, which can result in cost increases, before it can be tried by a district judge. Congress's enactment of the Civil Justice Reform Act has required the court to give increased attention to addressing costs and delays in resolving civil disputes. The Judicial Conference of the United States has encouraged the designation of magistrate judges to conduct all proceedings in civil cases, both jury and non-jury.

Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over ten years have regularly handled civil cases from discovery through dispositive motions and trial. Trial before a magistrate judge, in addition to an earlier trial date, will also enable the court to give counsel and the parties a special setting. Appeal from a judgment entered by a magistrate judge will be to the Court of Appeals for the Fourth Circuit.

After discussion with your client, please return the enclosed decision form to the Clerk's Office within twenty (20) days. Cases in which consent is not given will nevertheless be first considered by the magistrate judge, who will make rulings or recommendations on all motions, including dispositive ones. **SINCE YOU ARE REQUIRED BY LAW TO COMMUNICATE YOUR DECISION TO THE CLERK, FAILURE TO RETURN THE FORM WILL BE DEEMED A CONSENT TO THE EXERCISE OF COMPLETE JURISDICTION BY THE MAGISTRATE JUDGE UNDER 28 U.S.C. § 636(c).**

Very truly yours,

Frank W. Bullock, Jr.
Chief Judge

FWB,jr.:jdl

Enclosure

DECISION REGARDING CONSENT TO PROCEED
BEFORE A MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION

Plaintiff,)
v.)
Defendant.) 92:CV _____

DECISION REGARDING CONSENT TO PROCEED
BEFORE A MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C.
§ 636(c), the undersigned party hereby communicates its decision
whether or not to voluntarily waive its right to proceed before a
district judge and consent to have the assigned magistrate judge
conduct any and all further proceedings in the case, including
trial, and the entry of a final judgment. Any appeal from the
judgment shall be taken to the Fourth Circuit Court of Appeals in
the same manner as an appeal from any other judgment of the
district court.

I consent _____

I do not consent _____

Date _____

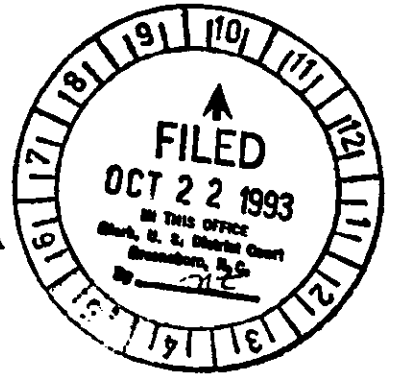
**NOTICE OF RIGHT TO CONSENT TO THE
EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), you are hereby notified that the United States magistrate judges of this district court, in addition to their other duties, upon the consent of all parties in a civil case, may conduct any or all proceedings in a civil case including a jury or non-jury trial, and order the entry of a final judgment.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States magistrate judge must be entirely voluntary. Only if all the parties in the case consent to the reference to a magistrate judge will either the judge or magistrate judge to whom the case has been assigned be informed of your decision.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CONDITIONS OF
HOME DETENTION

)
) STANDING ORDER NO. 31
)

WHEREAS, home detention may be imposed as a condition of probation or supervised release as an appropriate substitute for imprisonment pursuant to Sections 5C1.1(c), (d), and 5F1.1 of the Sentencing Guidelines, and

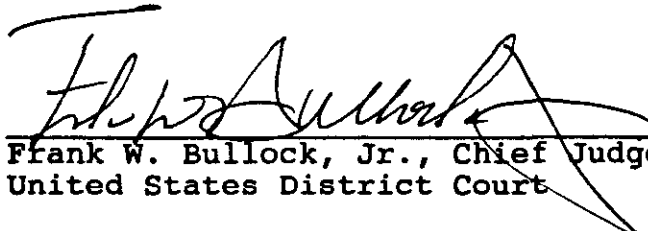
WHEREAS, the use of this alternative could also conserve the limited resources of prisons and jail space, and

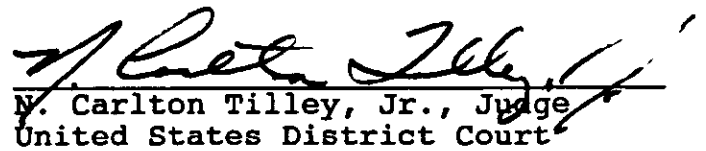
WHEREAS, on the 26th day of January, 1990, Standing Order Number 24 was entered and filed by the court specifying the conditions to be observed in all cases in which home detention is imposed and establishing related policies and procedures thereof;

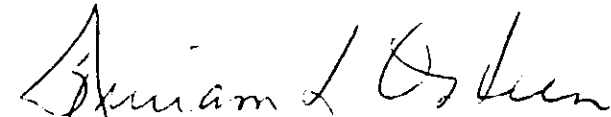
NOW, THEREFORE, for good cause, IT IS ORDERED that Standing Order Number 24, dated January 26, 1990, is REVOKED, and that in all cases where defendants are hereafter placed on supervision and directed to observe the conditions of home detention or home incarceration, the conditions to be observed shall be those specified in the attached "CONDITIONS OF HOME DETENTION," which are incorporated herein and made a part of this Order.

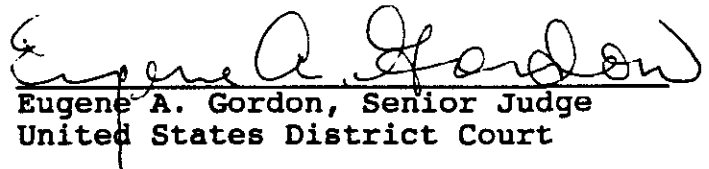
IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by subsequent order of the court.


This 22nd day of October, 1993.



Frank W. Bullock, Jr., Chief Judge
United States District Court


N. Carlton Tilley, Jr., Judge
United States District Court


William L. Osteen, Sr., Judge
United States District Court


Eugene A. Gordon, Senior Judge
United States District Court


Hiram H. Ward, Senior Judge
United States District Court


Richard C. Erwin, Senior Judge
United States District Court

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Name: _____ Docket No. _____

Address: _____

CONDITIONS OF HOME DETENTION

The United States District Court for the Middle District of North Carolina has ordered as a special condition of probation/supervised release that I be confined to my residence for a period of _____ months. This condition has been imposed as an alternative to incarceration, and I will be under the strict supervision of the United States Probation Office. Any absence from my residence, except as expressly permitted, must be approved in advance by my probation officer.

My home detention rules and guidelines are as follows:

- 1) I am restricted to my residence except for medical or similar emergencies.
- 2) I may leave my residence to work at an approved job, perform public service as approved, or visit the probation office, but I must travel a direct route to and from my residence with no side trips unless authorized.
- 3) I may leave my residence for non-emergency medical and dental treatment upon notification and approval of my probation officer.
- 4) I may attend religious services and other related functions following the approval of my probation officer.
- 5) With the approval of my probation officer, I may leave my residence to take care of urgent or required family business if no other family member is available for such purpose(s).
- 6) I may have visitors, but I must maintain a log of all non-family members who visit my home. This complete and detailed log for each week, must be submitted to my probation officer on Monday of the following week.
- 7) I must also maintain a daily log of my activities for the week, and likewise submit this log to my probation officer on each Monday. The probation officer may discuss these activities with me.

- 8) I must report in person to the probation office every two weeks unless excused by my probation officer. The probation officer has the authority to require other personal contacts as well as make collateral inquiries in the community in the interest of my supervision.
- 9) I must call the probation office each workday, Monday through Friday; and I may be required to make other calls on weekends or holidays as determined by the probation officer.
- 10) The probation officer will make periodic visits and telephone calls to my residence at any time. In order to fully ensure and effectuate the appropriate supervision use of telephone calls to and from my probation officer, I am required to maintain private telephone service. Likewise, at the discretion of the U.S. Probation Officer, I may be required to eliminate certain ancillary call services from my line, such as call waiting, call forwarding, caller ID, and in some cases even answering machines.
- 11) Cordless phones and computer modem use are generally prohibited during this period of supervision, and I will be required to produce telephone bills upon request.
- 12) I will also abide by all standard and special conditions of probation/supervised release as imposed by the Court.

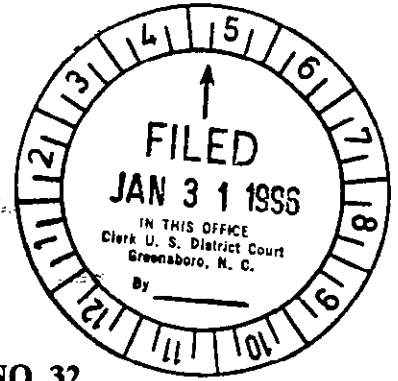
I fully understand that the Court may modify these conditions at any time. Home detention is an alternative to incarceration which has allowed me to remain with my family, continue my employment, and stay within the friendly confines of my home. I recognize home detention is a serious matter and I agree to treat it as such. I am aware that my failure to abide by these conditions will be promptly reported to the Court and expose me to the potential of a prison sentence.

I have read, or have had read to me the above rules and conditions of home detention. If my supervision has been referenced as Home Incarceration, I am aware these conditions apply to me. I fully understand these condition and will abide by them.

(Signed) _____ Date _____
Probationer/Releasee

(Witnessed) _____ Date _____
U.S. Probation Office

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

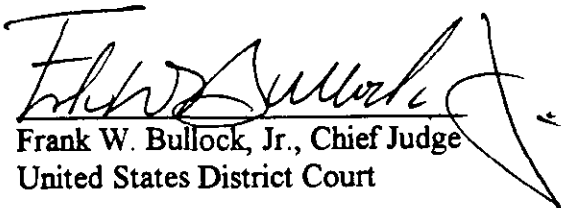


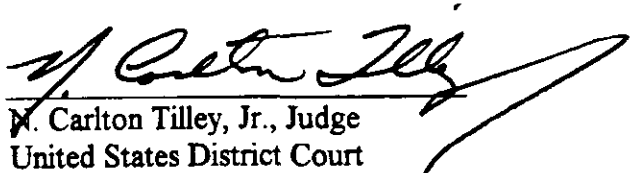
RE: CRIMINAL
COVER SHEET

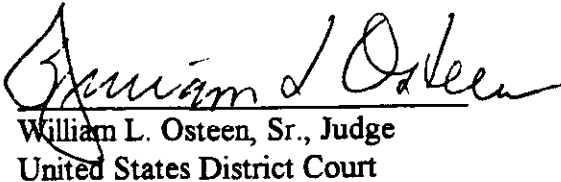
)
)
) STANDING ORDER NO. 32
)
)

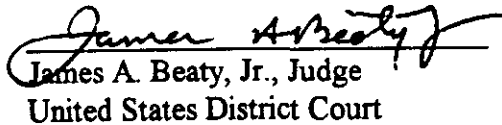
To assist the court in better managing its criminal cases, IT IS ORDERED that each time a criminal case is filed by the U.S. Attorney that the filings shall be accompanied by a filled in Criminal Case Cover Sheet, MIDDLE DISTRICT OF NORTH CAROLINA-CR-1 (Jan 96), a copy of which is attached hereto.

This the 31st day of January, 1996.


Frank W. Bullock, Jr., Chief Judge
United States District Court


M. Carlton Tilley, Jr., Judge
United States District Court


William L. Osteen, Sr., Judge
United States District Court


James A. Beaty, Jr., Judge
United States District Court

Criminal Case Cover Sheet**U.S. District Court
Middle District North Carolina****Place of Offense:**

County _____

Related Case Information:Superseding Indictment _____ Docket Number _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case No. _____
R 20/ R 40 from District of _____**Defendant Information:**

Juvenile ____ Yes ____ No

Defendant Name _____

Alias Name _____

Address _____

Birthdate _____ SS # _____ Sex ____ Race ____ Nationality _____

U.S. Attorney Information:

AUSA _____ Bar # _____

Interpreter: ☐ No ☐ Yes List language and/or dialect: _____**Location Status:**

Arrest Date _____

Already in Federal Custody as of _____
Already in State Custody
On Pretrial ReleaseTotal # of Counts: _____ ☐ Petty ☐ Misdemeanor ☐ Felony**Index Key/Code**
(Clerk's Office Use Only)**Citation and Description of Offense Charged****Count(s)**

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(May be continued on second sheet)

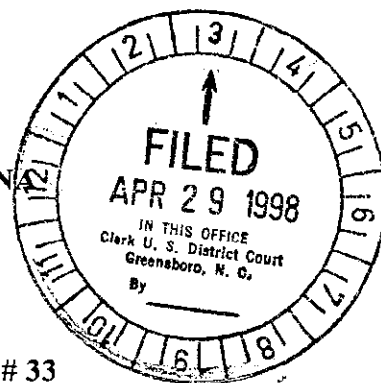
Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Age Group	Gender	U.S. should take action (%)	U.S. should not take action (%)
18-29	Male	85	15
	Female	80	20
30-49	Male	75	25
	Female	70	30
50-69	Male	70	30
	Female	65	35
70+	Male	65	35
	Female	60	40

[illegible][illegible]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



EMPLOYMENT DISPUTE)
RESOLUTION PLAN)

Standing Order # 33

For good cause appearing to the Court, this Court adopts, for all Units of this Court, as tailored for this court, the draft Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan of the United States Court of Appeals for the Fourth Circuit, tentatively dated January 1999. The Chief Probation Officer shall serve as the EDR Coordinator for matters arising in the Office of the Clerk of the District Court, the Office of the Clerk of the Bankruptcy Court, and the Pretrial Service Office. The Clerk of the Bankruptcy Court shall serve as the EDR Coordinator for matters arising in the Probation Office.

This the 29th day of April, 1998.

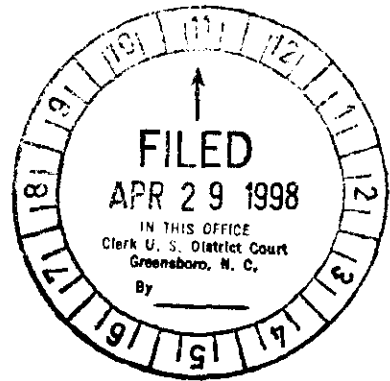
FOR THE COURT:

William L. Stocks, Chief Judge
United States Bankruptcy Court

FOR THE COURT:

Frank W. Bullock, Jr., Chief Judge
United States District Court

**Consolidated Equal
Employment Opportunity**



and

Employment Dispute Resolution Plan

of the

**United States District Court
for the Middle District of North Carolina**

April 1998

Table of Contents

CHAPTER I. GENERAL PROVISIONS

§ 1	Preamble	1
§ 2	Scope of Coverage	2
§ 3	Definitions	2
§ 4	Designation and Duties of the Employment Dispute Resolution Coordinator	3
§ 5	Implementation	3

CHAPTER II. EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION RIGHTS

§ 1	General	3
§ 2	Definition	4
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CHAPTER III. FAMILY AND MEDICAL LEAVE RIGHTS

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CHAPTER I. GENERAL PROVISIONS

§ 1 Preamble

This Plan shall be known as the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan of the United States District Court for the Middle District of North Carolina ("Consolidated Plan"). This Plan integrates the rights and protections of the Equal Employment Opportunity Plan adopted by the Judicial Council of the Fourth Circuit Court of Appeals with the additional rights and procedures of the Model Employment Dispute Resolution Plan adopted by the Judicial Conference of the United States in March 1997. The Consolidated Plan supersedes the Court's Equal Employment Opportunity Plan, promulgated in Standing Order Number 16, dated March 3, 1987.

The Consolidated Plan's rights and protections are comparable to those provided to legislative branch employees under the Congressional Accountability Act of 1995. The Plan addresses the following workplace and employment issues:

- Equal Employment Opportunity and Anti-Discrimination Rights
- Family and Medical Leave Rights
- Worker Adjustment and Retraining Notification Rights
- Employment and Reemployment Rights of Members of the Uniformed Services
- Occupational Safety and Health Protections
- Polygraph Tests
- Employment Dispute Resolution Procedures for Claims of the Denial of The Rights Afforded Under This Consolidated Plan

This Consolidated Plan is not intended to duplicate the protections provided for the resolution of complaints of judicial officer misconduct or disability under 28 U.S.C. § 372(c). It is intended to be the exclusive remedy of the employee relating to rights enumerated under this Consolidated Plan. Such general employment dispute procedures as exist regarding adverse action and personnel grievances that do not invoke the protections of this Consolidated Plan are not modified and remain in effect.

Individuals covered under the scope of this Consolidated Plan may seek timely redress through these procedures. These procedures, however, are not intended to be a replacement for the working relationship which must exist between supervisors and employees, nor are they intended to interfere in the administrative process of the Court. It is the policy of this Court to resolve employee disputes at the lowest possible level through open and informal communication between all levels of employees, supervisors, managers, unit executives, or judicial officers. However, this policy shall not be applied to restrict immediate resort to the services of the EDR coordinators when appropriate.

§ 2 Scope of Coverage

This Consolidated Plan applies to:

- Article II judges of the United States District Court for the Middle District of North Carolina
- Bankruptcy Judges of the Middle District of North Carolina
- Magistrate Judges of the Middle District of North Carolina
- Chambers staff of judicial officers

The unit executive and staff of the following Court units:

- Clerk of the District Court
- Clerk of the Bankruptcy Court
- Probation Office
- Pretrial Service Office

§ 3 Definitions

For purposes of this Consolidated Plan:

- A. The term “employee” includes all individuals listed in § 2 of this Chapter, as well as all applicants for employment and former employees, except the following individuals are *specifically excluded and are not covered* under this Consolidated Plan: externs, applicants for magistrate judge positions, private attorneys who apply to represent indigent defendants under the Criminal Justice Act, criminal defense investigators not employed by federal public defenders, volunteer counselors or mediators, or other individuals who are not employees of an “employing office” as that term is defined below.
- B. The term “employing office” includes all offices of the United States District Court for the Middle District of North Carolina, including the Offices of the Clerk of the District Court, Clerk of the Bankruptcy Court, Probation Office and Pretrial Services Office. The Court is the employing office of a judge’s chambers staff.
- C. The term “judicial officer” means a District Judge (including Senior District Judge) of the United States District Court for the Middle District of North Carolina appointed pursuant to Article III of the United States Constitution; a Bankruptcy Judge of the Middle District of North Carolina, or a Magistrate Judge of the United States District Court of the Middle District of North Carolina.
- D. The term “court” or “Court” refers to the United States District Court for the Middle District of North Carolina.

§ 4 Designation and Duties of The Employment Dispute Resolution Coordinator

The Court designates the Chief Probation Officer to serve as the Employment Dispute Resolution Coordinator (EDR Coordinator) under this Consolidated Plan for matters arising in the Office of the Clerk of the District Court, the Office of the Clerk of the Bankruptcy Court and the Pretrial Service Office; and the Clerk of the Bankruptcy Court to serve as the Employment Dispute Resolution Coordinator (EDR Coordinator) under this consolidated Plan for matters arising in the Probation Office. The duties of the EDR Coordinators shall include the following:

- A. To provide information to the Court and employees regarding the rights and protections afforded under this Consolidated Plan;
- B. To coordinate and organize the procedures and maintain official files of the Court pertaining to complaints and other matters initiated and processed under this Plan;
- C. To coordinate the counseling of individuals in the initial stages of the complaint process, in accordance with Chapter VIII of this Plan; and
- D. To collect, analyze, and consolidate statistical data and other information pertaining to this Plan and the employment dispute resolution process, and prepare for the Court's approval an annual report on implementation of the Plan.

§ 5 Implementation

The Court shall implement and periodically evaluate the Consolidated Plan. On behalf of the Court, the Chief Judge will submit modifications in the Plan for approval by the District Judges of this Court.

CHAPTER II. EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION RIGHTS

§ 1 General

Discrimination against employees based on race, color, religion, sex (including sexual harassment), national origin, age (at least 40 years of age at the time of the alleged discrimination), and disability is prohibited. Each Court unit within the United States District Court for the Middle District of North Carolina will promote equal opportunity through a program encompassing all facets of personnel management including recruitment, hiring, promotion, and advancement. This program is not intended to modify or reduce the qualification standards for employment in the Federal courts as such standards have been approved by the Judicial Conference of the United States.

§ 2 Definition

For purposes of this Consolidated Plan, the term "disability" means:

- A. a physical or mental impairment that substantially limits one or more of the major life activities of an employee;
- B. a record of such an impairment; or
- C. being regarded as having such an impairment. *See* 42 U.S.C. § 12102(2).

§ 3 Organization

A. Unit Executives

The Clerk of the District Court, the Clerk of the Bankruptcy Court, the Chief Probation Officer and the Chief of Pretrial Services must ensure that all vacancies are publicly announced to attract candidates who represent the make-up of persons available in the qualified labor market and all hiring decisions are based solely on job-related factors. They should make reasonable efforts to see that the skills, abilities, and potential of each employee are identified and developed and that all employees are given equal opportunities for promotions by being offered, when the work of the Court permits and within the limits of available resources, cross-training, reassignments, job restructuring, special assignments, and outside job-related training.

B. Judges, Unit Executives, Court Managers and Supervisors

Judges, Unit Executives, Court managers, and supervisors must apply equal employment opportunity practices and policies in their work units. This includes giving each employee a fair and equal opportunity to demonstrate his or her skills and, where those abilities exceed general performance standards, to be recommended for personnel actions and awards recognizing such achievements. As resources permit, it also requires providing training programs which enable employees to develop their job skills fully.

§ 4 Personnel Practices

A. Recruitment

Each Court unit will seek qualified applicants who reflect the make-up of all such persons in the relevant labor market. Each unit will publicize all vacancies.

B. Hiring

Each Court unit will make its hiring decisions strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position satisfactorily. Hiring decisions shall be made without regard to race, color, religion, sex, national origin, age, or disability.

C. Promotion

Each Court unit will promote employees according to their experience, training and demonstrated ability to perform duties of a higher level. Promotion decisions shall be made without regard to race, color, religion, sex, national origin, age, or disability.

D. Advancement

Each Court unit will seek insofar as reasonably practicable to improve the skills and abilities of its employees through cross-training, job restructuring, assignments, details, and outside training.

CHAPTER III. FAMILY AND MEDICAL LEAVE RIGHTS

§ 1 General

Title II of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2611, applies to Court employees in the manner prescribed in Volume I-C, Chapter X, Subchapter 1630.1, Section R, of the *Guide to Judiciary Policies and Procedures*.

CHAPTER IV. WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS

§ 1 General

No "employing office closing" or "mass layoff" (as defined in Section 2 of this Chapter) may occur until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to employees who will be affected. This provision shall not apply to an employing office closing or mass layoff that results from the absence of appropriated funds.

§ 2 Definitions

A. The term "employing office closing" means the permanent or temporary shutdown of a single site of employment if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any part-time employees.

B. The term "mass layoff" means a reduction in force which--

1. is not the result of an employing office closing; and
2. results in an employment loss at the single site of employment during any 30-day period for
 - a. (1) at least 33 percent of the employees (excluding any part-time employees); and
 - (2) at least 50 employees (excluding any part-time employees); or
 - b. at least 500 employees (excluding any part-time employees). *See* 29 U.S.C. § 2101

CHAPTER V. EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

§ 1 General

An employing office shall not discriminate against an eligible employee or deny an eligible employee reemployment rights or benefits under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 *et seq.*

CHAPTER VI. OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS

§ 1 General

Each employing office shall provide to its employees a place of employment which is free from recognized hazards that cause or are likely to cause death or serious physical harm to employees. Complaints which seek a remedy that is exclusively within the jurisdiction of the General Services Administration ("GSA") to provide are not cognizable under this Consolidated Plan; such request should be filed directly with GSA.

§ 2 Court Program Requirements - The Court will implement a program to achieve the protections set forth in § 1 of this Chapter.

CHAPTER VII. POLYGRAPH TESTS

§ 1 General

No employee may be required to take a polygraph test.

CHAPTER VIII. DISPUTE RESOLUTION PROCEDURES

§ 1 General Procedures for Consideration of Alleged Violations

An individual covered under this Consolidated Plan who claims a denial of the rights granted hereunder shall seek resolution of such claims through the procedures of this Chapter.

Generally, the procedural process consists of:

- A. Informal attempts to resolve disputes at the Court unit level;
- B. Counseling by the appropriate EDR Coordinator;
- C. Mediation by either a Bankruptcy Judge or a Magistrate Judge designated by the Chief Judge of the United States District Court for the Middle District of North Carolina.
- D. Hearing before the Chief Judge of the United States District Court for the Middle District of North Carolina (or a designated hearing officer); and
- E. Review of the hearing decision under procedures established by the Judicial Council of the Circuit.

§ 2 General Provisions and Protections

A. Prohibition Against Retaliation

Complainants under this Consolidated Plan have the right to be free from retaliation, coercion, or interference because of filing a complaint pursuant to this Plan. Likewise, any person who participates in the filing or processing of a complaint, such as an EDR Coordinator, mediator, witness, representative, or co-worker, is also entitled to freedom from retaliation.

B. Right to Representation

Every individual invoking the dispute resolution procedures of this Consolidated Plan has the right to be represented by a person of his or her choice if such person is available and consents to be a representative. A Court employee may accept the responsibilities of representation if it will not unduly interfere with his or her Court duties or constitute a conflict of interest, as determined by the representative's appointing officer.

C. Case Preparation

To the extent feasible, every individual invoking the dispute resolution procedures of this Consolidated Plan may use a reasonable amount of official time to prepare his or her case, so long as it does not unduly interfere with the performance of his or her Court duties.

D. Determining Time Periods

The word “days” in all filing and other time periods specified in this Consolidated Plan shall mean calendar days, except that if the deadline date falls on a Saturday, Sunday or holiday, the deadline shall be extended to the following Court business day.

E. Extensions of Time

The Chief Judge of the District Court, or other presiding judicial officer, may extend any of the deadlines set forth in this Consolidated Plan for good cause. The time periods for counseling and mediation may also be extended as provided in §§ 5 and 6 of this Chapter.

F. Records

At the conclusion of formal and informal proceedings under this Consolidated Plan, all papers, files, and reports will be filed with the appropriate EDR Coordinator. No papers, files or reports relating to a dispute will be filed in any employee’s personnel folder, except as necessary to implement an official personnel action.

G. Election of Remedies

If an employee files an appeal of an adverse action or grievance in addition to a complaint under this Plan concerning the same or substantially the same subject matter, the employee must elect either (a) the Consolidated Plan or (b) the grievance/adverse action appeal procedures under which the complaint is to be processed. An employee may not utilize both (a) and (b). Similarly, if a complaint has already been processed under one of these procedures, it may not be the subject of a complaint under the other.

§ 3 General Disqualification Provision

A party may seek disqualification of a judicial officer, employee or other person involved in a dispute by written request to the Chief District Judge. Such written request shall contain facts regarding why the individual should be disqualified. If the Chief District Judge is named as being involved in a dispute, the Chief District Judge will ask the next most senior judge of the District Court to decide the disqualification request.

§ 4 Informal Resolution Attempts

Any employee of this court is urged to openly and freely bring any employment related matter or concern to the attention of his or her supervisor, manager or unit executive. Free and open communication, good faith, and understanding on the part of all court employees, at all levels, will in almost all cases eliminate the need to resort to the more formal procedures of counseling by an EDR coordinator; mediation; complaint, review and hearing, or appeal.

§ 5 Counseling

A. Initiating a Proceeding; Formal Request for Counseling

An employee who believes that his or her rights under Chapters II through VII of this Consolidated Plan have been violated may request counseling.

B. Form, Manner, and Timing of Requests

Requests for counseling:

1. are to be submitted to the appropriate EDR Coordinator,
2. must be made in writing (*copy of approved form is contained in Appendix*); and
3. must be made within 30 days of the alleged violation or within 30 days of the time the employee becomes aware of the alleged violation.

C. Procedures

1. Who May Serve as Counselor

The counseling shall be conducted by the appropriate EDR Coordinator, unless the EDR Coordinator is disqualified from serving as counselor under § 3 of this Chapter or is otherwise unavailable. If the EDR Coordinator is unavailable, the Chief District Judge shall designate another qualified individual to perform the counseling function. If the EDR Coordinator is disqualified, the Chief District Judge shall designate another qualified individual to perform the counseling function. If the dispute involves an alleged violation of this Consolidated Plan by a judicial officer, the person who conducts the counseling shall be designated by the Chief District Judge.

2. Purposes of Counseling

The purposes of the counseling shall be to discuss the employee's concerns and elicit information regarding the matter which the employee believes constitutes a violation; to advise the employee of his or her rights and responsibilities and the procedures of the Court applicable to the employment dispute resolution process; to evaluate the matter; and to assist the employee in achieving an early resolution of the matter, if possible.

3. Confidentiality

All counseling shall be kept confidential unless the employee agrees in writing to waive confidentiality of the counseling process for the purpose of allowing the designated counselor to contact the employing office or to attempt a resolution of the disputed matter. A written record of all such contacts must be kept by the counselor and made available for review by the affected person(s).

4. Form of Settlement

The EDR Coordinator shall reduce to writing any settlement achieved during the counseling process and secure the signatures of the employee, his or her representative, if any, and the member of the employing office who is authorized to enter into settlement on the employing office's behalf. The original settlement agreement shall be filed with the EDR Coordinator, with copies served on the parties and their representatives.

D. Duration of Counseling Period

The counseling period shall be 30 days (or a shorter period if counseling is concluded at an earlier date), beginning on the date the request for counseling is received by the EDR Coordinator. The counseling period may be extended by the mutual agreement of the counselor and the employee for an additional 30 day period.

E. Conclusion of the Counseling Period and Notice

The EDR Coordinator shall notify the employee in writing of the end of the counseling period. As part of the notice, the EDR Coordinator shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the EDR Coordinator a request for mediation in accordance with § 6 of this Chapter.

§ 6. Mediation

A. Initiation

Within 15 days after receipt by the employee of the notice of the conclusion of the counseling period, the employee may file a request for mediation with the EDR Coordinator. The request must be made in writing and must state the claims(s) presented (*copy of approved form is contained in Appendix*). Failure to pursue mediation will preclude further processing of the employee's claim under any other provisions of this Chapter.

B. Procedures

1. Designation of Mediator

As soon as possible after receiving the request for mediation, the EDR Coordinator shall designate a mediator and provide written notice of such designation.

2. Who May Serve as Mediator

Any person with the skills to assist in resolving disputes, except an EDR Coordinator, may serve as mediator under this Plan. The mediator shall be designated by the Chief District Judge.

3. Purpose of Mediation

The mediator shall consult separately and/or jointly with the employee and his or her representative, if any, and the employing office to discuss alternatives for resolving a dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution.

4. Confidentiality

Any person or party involved in the mediation process shall not disclose, in whole or in part, any information or records obtained through, or prepared specifically for, the mediation process, except as necessary to consult with the parties or their representatives, and then only with notice to all parties. A written record of all such contacts must be kept and made available for review by the affected person(s). In addition, in the event the employee files a complaint pursuant to § 7 of this Chapter, the hearing officer shall have access to the Request for Mediation form for the purpose of determining whether the claims made in the complaint were raised in mediation.

5. Form of Settlement

The mediator shall reduce to writing any settlement achieved during the mediation process and secure the signature of the employee, his or her representative, if any, and the member of the employing office who is authorized to enter into settlement on the employing office's behalf. The original settlement agreement shall be filed with the EDR Coordinator, who will promptly transmit copies to the parties and their representatives.

C. Duration of Mediation Period

The mediation period shall be 30 days (or a shorter period if mediation is concluded at an earlier date), beginning on the date the request for mediation is received. The employee is required to attend at least one mediation session. Thereafter, he or she may proceed to file a complaint. The mediation period may be extended by the mutual agreement of the mediator and the employee for an additional 30-day period.

D. Conclusion of Mediation Period and Notice

If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the EDR Coordinator shall provide the employee, the employee's representative, if any, and the employing office with written notice that the mediation period has concluded. The notice shall also inform the employee or his or her right to file a complaint under § 7 of this Chapter.

§ 7 **Complaint, Review, and Hearing**

A. Complaint

Not later than 15 days after receiving written notice of the end of the mediation period, an employee may file a complaint with the EDR Coordinator, who will transmit the complaint to the Chief Judge and to the respondent. The complaint must be in the form approved by the Court (*copy of approved form is contained in Appendix*). The respondent shall be the employing office which would be responsible for redressing, correcting or abating the violation(s) alleged in the complaint. No individual shall be named as a respondent in the complaint.

B. Response

The respondent shall have 15 days to file a written response to the complaint with the EDR Coordinator, who will transmit the response to the Chief Judge and the complainant.

C. Review of Pleadings

1. Reviewing Official

The complaint, response, and any other documents shall be reviewed by the Chief District Judge or his designee, who shall make recommendations to the Chief District Judge regarding disposition of the complaint. In the event the Chief District Judge is disqualified under § 3 of this Chapter, or is unavailable to serve, the next most senior judge shall assume the responsibilities of the Chief District Judge under this Chapter. In the case of a complaint alleging that an Article III judge has violated rights protected by the Consolidated Plan, that judge may elect to have a hearing conducted by a judge of another court, as designated by the Judicial Council of the Circuit. Any designation of a judicial officer from another court to hear and decide the case shall be arranged by agreement of the chief judges of the affected courts.

2. Review Procedures

After notice to the complainant, including notice of any recommendations made by the Chief District Judge's designee upon review of the complaint, and an opportunity to respond, the Chief District Judge may dismiss in writing any complaint that is found to be frivolous, is unduly repetitive of a previous complaint, fails to state a claim upon which relief may be granted, or makes claims that were not advanced in mediation. Failure to object to recommendations made by the designee for dismissal of the complaint shall constitute a waiver of such objections.

D. Hearing Procedures

1. Hearing Officer

If the Chief District judge does not dismiss the complaint under the preceding subsection, the Chief District Judge or his designee, acting as the hearing officer, shall hold a hearing on the merits of the complaint unless the Chief District Judge determines that no material factual dispute exists.

2. Specific Provisions

The hearing officer may provide for such discovery and investigation as is necessary. In general, the hearing officer shall determine the time, place, and manner of conducting the hearing. However, the following specific provisions shall apply to hearings conducted under this Section:

- a. the hearing shall be commenced no later than 60 days after the filing of the complaint;

b. the complainant and the head of the office against which the complaint has been filed must receive written notice of the hearing; such notice shall also be provided to the individual alleged to have violated rights protected by this Plan whenever such individual is a judicial officer or when the hearing officer otherwise determines such notice to be appropriate;

c. at the hearing the complainant will have the rights to representation, to present evidence on his or her behalf, and to cross-examine adverse witnesses; the employing office will have the rights to representation, to present evidence on its behalf and to cross-examine adverse witnesses;

d. a verbatim record of the hearing must be kept and shall be the sole official record of the proceeding;

e. if the hearing is conducted by the Chief District Judge's designee, the designee shall make findings and recommendations to the Chief District Judge, and shall serve a copy on the parties and their representatives. The parties may file any objections within 10 days of service of the findings and recommendations, and the Chief District Judge shall make his decision after review of such objections. Failure to file timely objections to the findings and recommendations shall constitute a waiver of such objections;

f. in reaching a decision, the Chief District Judge shall be guided by judicial and administrative decisions under the laws related to Chapters II through VII of this Consolidated Plan and by decisions of the Judicial Council of the Circuit under § 8 of this Chapter.

g. remedies may be provided in accordance with § 9 of this Chapter where the Chief District Judge finds that the complainant has established by a preponderance of the evidence that a substantive right protected by this Consolidated Plan has been violated;

h. the final decision of the Chief District Judge must be issued in writing not later than 60 days after the conclusion of the hearing; and

i. all parties, or an aggrieved individual, shall have the right to written notice of the Chief District Judge's decision. The original of the decision shall be filed with the EDR Coordinator who shall promptly transmit copies to all parties, their representatives, and any aggrieved individual.

§ 8 Review of Decision

A. Notice of Procedures for Review

A party or individual aggrieved by a final decision of the Chief District Judge, or by a summary dismissal of the complaint, may petition for review of that decision under procedures established by the Judicial Council of the Circuit. The EDR Coordinator shall inform all persons served with notice of the final decision of the Chief District Judge of the procedures for seeking review by the Judicial Council.

B. Timing and Form of Petition for Review

A petition for review must be received by the EDR Coordinator within 30 days of the date of the letter to the parties transmitting the order. The petition should be in the form of a letter, addressed to the EDR Coordinator, beginning "I hereby petition the judicial council for review of the Chief District Judge's order under the Consolidated Equal Employment Opportunity and Employees Dispute Resolution Plan of the United States District Court for the Middle District of North Carolina...." There is no need to enclose a copy of the original complaint. Only one copy of the petition is required. The letter should set forth a brief statement of the reasons why the petitioner believes that the Chief District Judge or designated judicial officer's determinations were in error. The letter must be signed.

§ 9 Remedies

A. Where judicial officers acting pursuant to § 7 or § 8 of this Consolidated Plan find that a substantive right protected by this Consolidated Plan has been violated, they may order a necessary and appropriate remedy. A remedy may be directed at correcting a past violation, prospectively ensuring compliance with the rights protected by this Consolidated Plan, or both. A remedy shall be tailored as closely as possible to the specific violation involved.

B. Remedies which may be provided to successful complainants under this Consolidated Plan include, but are not limited to:

1. placement of an employee in a position previously denied;
2. placement in a comparable alternative position;
3. reinstatement to a position from which previously removed;
4. prospective promotion to a position;
5. priority consideration for a future promotion or position;

6. back pay and associated benefits, including attorneys' fees, where the statutory criteria of the Back Pay Act, 5 U.S.C. § 5596, are satisfied;
7. records modification and/or expungement;
8. "equitable" relief, such as temporary stays of adverse actions;
9. granting of family and medical leave; and
10. accommodation of disabilities through the purchase of specialized equipment or the restructuring of duties and work hours.

C. Remedies which are *not* legally available include:

1. payment of attorneys' fees (except as authorized under the Back Pay Act);
2. compensatory damages; and
3. punitive damages.

§ 10 Record of Final Decisions

Final decisions of the Chief District Judge shall not name the complainant or individual respondents. In addition, the Chief District Judge has the discretion to remove sensitive information contained in the final decision that may inadvertently identify the parties. Once final action on a complaint has been taken and is no longer subject to review, the final decision of the Chief District Judge shall be available to the public free of charge by written request to the EDR Coordinator.

CHAPTER IX. REPORTS

§ 1 Court Unit Reports

Each Court unit will prepare a brief report for the EDR Coordinator describing its efforts to provide equal employment opportunities under Chapter II of this Plan. This report will also provide the information required by the Administrative Office for personnel actions occurring in the year ending September 30 and will be submitted to the EDR Coordinator by November 1 of each year.

§ 2 Objectives

Each Court unit will develop annually its own objectives which reflect those improvements needed in recruitment, hiring, promotions, and advancement.

§ 3 Annual Report

The Chief Probation Officer will prepare for the Court's approval an annual report for the year ending September 30, consolidating the data and statements received from each Court unit. The report will include tables to be provided by the Administrative Office of the United States Courts consolidating the information provided by each Court unit. It will also describe instances where significant achievements were made in providing equal employment opportunities, will identify areas where improvements are needed, and will explain factors inhibiting achievement of equal employment opportunity objectives. Upon approval of the Court, this report will be submitted by the Chief District Judge to the Administrative Office of the United States Courts by November 30 of each year.

In addition, the annual report submitted by the EDR Coordinator will indicate:

- A. The number and type of alleged violations for which counseling was conducted;
- B. The number and type of alleged violations for which mediation was conducted;
- C. The number and type of complaints filed;
- D. The number and type of complaints resolved without a hearing;
- E. The number and type of complaints resolved with a hearing; and
- F. The number and type of complaints for which Judicial Council review was sought.

The type of violation or complaint shall be reported according to the Chapter(s) of the Plan involved and, with respect to allegations under Chapter II, according to the type(s) of discrimination alleged. The report will not identify the names of the parties involved.

CHAPTER X. DISTRIBUTION AND PUBLIC NOTICE

Copies of this Consolidated Plan shall be given to all employees and, upon request, to members of the public.

**REQUEST FOR COUNSELING
UNDER THE CONSOLIDATED
EQUAL EMPLOYMENT OPPORTUNITY
and
EMPLOYMENT DISPUTE RESOLUTION PLAN OF THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Prior to completing this form, please refer to the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan ("Consolidated Plan"). Please complete this form legibly. If there is insufficient space you may attach additional pages.

1. Name of Person Requesting Counseling: _____
2. Address: _____

3. Home Phone: _____ Work: _____
4. If you are a Court employee, state the following:
Court Unit in which employed: _____
Job Title: _____
5. Name and address of the Employing Office from which you seek resolution of your dispute: _____

6. Date(s) of incident or decision giving rise to dispute: _____
7. Please summarize the actions or occurrences giving rise to this dispute: _____

8. What corrective action do you seek in this matter?

9. Are you willing to waive confidentiality in order to permit the counselor to contact the employing office or to attempt a resolution of the disputed matter?

☐ Yes ☐ No

This request for counseling is submitted by:

Signature

Date

Counselor's Signature

Date of Receipt

**REQUEST FOR MEDIATION
UNDER THE CONSOLIDATED
EQUAL EMPLOYMENT OPPORTUNITY
and
EMPLOYMENT DISPUTE RESOLUTION PLAN OF THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Prior to completing this form, please refer to the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan ("Consolidated Plan"). Please complete this form legibly. If there is insufficient space you may attach additional pages.

1. Name of Person Requesting Mediation: _____
2. Address: _____

3. Home Phone: _____ Work: _____
4. If you are a Court employee, state the following:
Court Unit in which employed: _____
Job Title: _____
5. Name and address of the Employing Office from which you seek resolution of your dispute: _____

6. Date(s) of incident or decision giving rise to dispute: _____
7. Please summarize the actions or occurrences giving rise to this dispute:

8. List below all claims you wish to raise in mediation. Any claims not advanced in mediation may not be pursued in a complaint filed under this Consolidated Plan.

9. What corrective action do you seek in this matter? _____

10. Date counseling was initiated: _____

11. Date of receipt of notice of conclusion of counseling: _____

12. Name of person providing counseling: _____

This request for mediation is submitted by:

Signature

Date

Recipient's Signature

Date of Receipt

**COMPLAINT OF DISCRIMINATION
UNDER THE CONSOLIDATED
EQUAL EMPLOYMENT OPPORTUNITY
and
EMPLOYMENT DISPUTE RESOLUTION PLAN OF THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Prior to completing this form, please refer to the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan ("Consolidated Plan"). Please complete this form legibly.

1. Full Name of Person Filing Complaint: _____
2. Address: _____

3. Home Phone: _____ Work: _____
4. If you are a Court employee, state the following:
Court Unit in which employed: _____
Job Title: _____
5. Name and address of the Employing Office against whom this complaint is filed (under the terms of the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan of the United States District Court for the Middle District of North Carolina, all complaints must be against the Employing Office, *not an individual*):

6. Identify the Chapter(s) of the Consolidated Plan under which your complaint is being filed.
☐ Chapter II-Equal Employment Opportunity and Anti-Discrimination Rights

- ☐ Race
- ☐ Color
- ☐ Religion
- ☐ Sex (includes Sexual Harassment)
- ☐ National Origin
- ☐ Age (at least 40 years old at the time of the alleged discrimination)
- ☐ Disability

- ☐ Chapter III-Family and Medical Leave Rights
- ☐ Chapter IV - Worker Adjustment and Retraining Notification Rights
- ☐ Chapter V-Employment and Reemployment Rights of Members of the
Uniformed Services
- ☐ Chapter VI-Occupational Safety and Health Protections
- ☐ Chapter VII-Polygraph Tests

7. Date(s) of alleged violation _____

8. Date on which counseling was requested _____

Date on which counseling was completed _____

Date on which mediation was requested _____

Date on which mediation was completed _____

9. Name of person who served as Counselor on this matter _____

10. Name of person who served as Mediator on this matter _____

11. Please summarize the actions or occurrences giving rise to your complaint. Explain in what way you believe your rights under the Consolidated Plan were violated. Identify all persons who participated in this matter or who can provide relevant information concerning your complaint. (If there is insufficient space below, you may attach additional pages.)

[Please attach a copy of any documents that relate to your complaint, such as an application form, resume, letters of discipline or termination, etc.]

12. What corrective action do you seek from your complaint?

13. Do you have an attorney or any other person who represents you in this matter?

☐ Yes ☐ No

If yes, please provide the following information concerning that person:

Name _____

Address _____

Work Phone _____ Fax _____

I affirm that the information provided in this complaint is true and correct to the best of my knowledge.

Signature

Date